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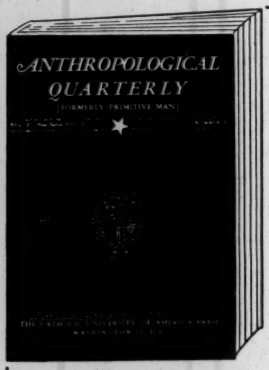

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ANTHROPOLOGICAL QUARTERLY

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THE FEAST OF CHRISTMAS

If Christmas is not the greatest Christian feast, it is beyond doubt the dearest to the Christian heart and awakens the tenderest memories. This may be explained in great part by the sentimental associations that have gathered about it throughout the centuries, but they in turn bear witness to the power of this festival to charm and warm the heart and fire the imagination of men at all times. More so than any event of the life of Christ—not even excepting His Passion—the birth of our Lord has inspired the brush of artist and the pen of poets. It has occasioned the growth and development of a vast and varied folklore and it has became an integral and essential element in our civilization and culture. Its yearly observance is looked forward to with the keenest anticipation and the rejoicing upon its celebration is shared by everyone. We cannot imagine now what it would be like not to keep Christmas.

Among the great feasts of the Church year Christmas possesses this peculiarity: it is the only genuine Christian feast that we have. The others, Easter and its culmination, Pentecost, came to us from Judaism and were adopted by the Church and given a Christian direction. Christmas and its predecessor, the Epiphany, are direct consequences of the Incarnation, which indeed is the real object of both.

It is impossible to discuss the feast of Christmas, which originated sometime in the fourth century at Rome, as a specific commemoration of the birth of Christ without touching on the question of the origin of the older Epiphany feast which was observed in the East, and quite possibly in the West, at least by the beginning of the fourth century. We shall see that it is probably even more ancient than that.

As its name indicates, the Epiphany was either an Eastern feast or possibly comes down from a time when Greek was the language of the whole Christian world. No one knows for certain how ancient it really is, but that it was at first a feast of the Incarnation is shown by the name itself, which in classical Greek meant the "appearing" of one of the gods to men or the visit of a ruler to his city. With the coming of Christianity the word took on a new meaning, for the Greek Fathers used it to describe what the Latins

called the Incarnation. Indeed, that is the meaning given the word in the Preface of the Epiphany in the present Roman missal: "Quia cum Unigenitus tuus in *substantia nostrae mortalitatis apparuit*, nova nos immortalitatis suae luce reparavit." "For when your only-begotten Son appeared in our mortal flesh, he restored us by the light of his immortality." We find here the theme of the Incarnation and the closely related theme of the Light enlightening every man. This preface was apparently used at one time for Christmas.

It is not possible at the present time to say how old this earlier commemoration of the Incarnation really is, but there are indications that it may go back to the second century or even to the first![1] As far back as it can be clearly traced, it has been celebrated on January 6, the day on which the pagans of Egypt celebrated the Birthday of the Light. This pagan festival was also associated with Dionysios, the god of wine, and it was popularly believed that water was changed into wine on that day. It is rather obvious that this date was deliberately selected by the Christians for their feast to counteract and oppose the pagan festival. Clement of Alexandria is our authority for the fact that the Gnostic heretics celebrated the Baptism of our Lord on this same day (Jan. 6) in accordance with their heretical belief that the Incarnation never took place at all, but that at his Baptism the Son of God appeared in the flesh for the first time. This has led some historians to hold that the Christians borrowed the feast of the Epiphany from the Gnostic heretics, but it is more probable that it was the other way around: that the feast existed already as an Incarnation feast and that the Gnostics, leaving out the commemoration of the Incarnation which they could not accept, turned it into a commemoration of the baptism which they could fit into their scheme of things very easily. If this were the case, it points to the existence of the Epiphany as a feast of the Incarnation by the third century at least and consequently to the likelihood that it was even earlier, since the Gnostics flourished during the second century.

One thing is clear. The primitive Church for a long time was content to commemorate only the Redemption—it did not seem to occur to them to observe anything else. For them the great feast

[1] Cf. McArthur, *Evolution of the Christian Year*, pp. 58 ff.

day was Easter (with its prolongation, Pentecost) which was viewed precisely as the annual commemoration of the Redemption in all its phases. Each Sunday was a weekly feast of Easter—a weekly celebration of the Redemption. In time they added the commemoration of the anniversary of the death of the martyrs, the day of their birthday into eternal life. But these last commemorations were confined to the place where the martyrs were buried. The only festival observed throughout the whole Church then was Easter or Pascha and its completion at Pentecost.

But an important element in the life of the Church was bound to assert itself in time and that is theological reflection upon the great events of salvation history which very early (cf. St. Irenaeus of Lyons in his *Adversus Haereses*) came to see that the Incarnation was the ground of all that followed, that it was itself redemptive, that just by taking our nature upon him the Son of God had restored and divinized that nature. From such deep and prolonged reflection to establishing a commemoration of the Incarnation might be more than but a step but it would seem that it would not be long before such a commemoration would come. And this would seem to be another reason for holding the view that the Epiphany is really very ancient, for the theological reflection on the redemptive aspect of the Incarnation began rather early. The theological concept of Christ as the Light shining in the darkness —that is, victorious over the darkness—originated in the Gospel of St. John, and like ideas are to be found in the epistles of St. Paul. A commemoration of the Incarnation was bound to be in effect a commemoration of the Redemption, and indeed the oldest texts that we have of this feast in both East and West show clearly that it was intended to be precisely that. Furthermore, it is oversimplification, to say the least, to assert that either the Epiphany or the later Nativity feasts were inspired only by the desire to counteract or oppose pagan festivals. That these festivals influenced the selection of the date on which they were celebrated is something else again.

This feast of the Epiphany was celebrated everywhere in the East, and quite possibly in parts of the West as well, by the beginning of the fourth century, and it is very likely that it influenced the church at Rome to introduce the feast of the Nativity rather early in that same century. It is important to insist upon the priority

of the Epiphany feast, because it is highly unlikely that a commemoration of the Incarnation or the Birth of Christ would spring up without any precedent whatever.

The feast of the Nativity of our Lord originated at Rome sometime in the early years of the fourth century. We find the first clear evidence of the existence of this feast in the Philocalian Calendar or Martyrology drawn up in the year 354. The entry for December 25 in that list reads *VIII Kal. Jan. natus Christus in Betleem Judaeae* (Birth of Christ in Bethlehem of Juda). But we can push the introduction of this feast back to an earlier date than 354, for there is internal evidence that in drawing up this list Philocalus made use of an earlier list made in 336, which indicates that at that earlier date the liturgical year began at or near the 25th of December. This fact had led scholars to conclude that Christmas was observed as early as 336 and that it was probably introduced some years before. That would mean that Christmas originated at Rome at some point in the early part of the fourth century.

Why was this particular date chosen? Certainly not because of any ancient tradition to the effect that Christ had really been born on that day. All historians of the feast agree that there is no satisfactory tradition in early times about the actual date of the Savior's birth. The only indication in the gospels of the time of the year our Savior was born is St. Luke's mention of the shepherds being in the fields. But that means very little. If anything, it is an indication that Christ was not born in December at all because the shepherds in Palestine have been accustomed for centuries to be in the fields from March to November; that is, in spring, summer and autumn, but not in winter. Lacking any precise information about it, some early Christians had recourse to speculation based often on the unsolid ground of the symbolism of numbers. But their efforts received no official recognition from the Church; there was no tradition at all in the matter and little interest in the question on the part of the authorities in any case.

Rather, the date seems to have been either arrived at by conjecture or, and this is the more likely hypothesis: the commemoration of the birth of Christ was deliberately placed on that date to counteract the influence of the pagan solemnity of the *Natalis Solis Invicti*—the birthday of the unconquerable sun. The first hypothesis still finds defenders; it was originally proposed by the emi-

nent liturgical scholar, Duchesne. His idea was that this date was arrived at by proceeding from the date of Christ's death. There was an ancient belief that he had died on March 25. That date was itself arrived at by conjecture or suggested by the fact that it coincided with the spring equinox, the time when, according to a widespread belief, the world had been created. Since he spent exactly thirty years on this earth, counting the years from the time of his conception, he was therefore conceived on March 25 and was consequently born nine months later on December 25. This theory is, of course, possible but, in default of any really ancient testimony to support it and in the light of serious difficulties against it, cannot be regarded as anything more than a possibility.

The other hypothesis—that it was the result of an outright substitution for a pagan festival—also has the disadvantage of having no direct testimony that any such substitution actually took place. But it is in accord with the known tendency of the early Church to "baptize" pagan customs and festivals, and it would seem to have been a natural way to give concrete expression to an idea found frequently in the Fathers—that Christ is the Sun of Justice spoken of by the prophet Malachias.

During the third and fourth centuries the pagan Romans celebrated a great festival in honor of *Sol Invictus:* the Birthday of the Unconquered Sun on December 25, that is, immediately after the winter solstice when the sun, which had apparently lost its strength and vigor, was actually beginning again its victorious ascent into the heavens. Far from dying it is, as it were, born again—the days become longer and the heat and power of the sun begin to assert themselves again.

This festival of the Unconquered Sun, along with sun-worship in general, had originated in the East—most likely in Babylonia. During the third century the cult of the sun received new emphasis from Mithraism, a religion popular among the soldiers, and which for a time during the same century was a serious rival to Christianity. The Emperor Aurelian introduced the feast of *"Sol Invictus"* into Rome in the year 274, having in mind the idea that the sun should be the object of one unified worship for the whole empire. To this end he built a temple in honor of *Sol Invictus* in the Campus Martius and instituted a college of priests to provide for its worship. Festival games were held at Rome in honor of the

birth of the sun on December 25. A special feature of this day was the building of great fires to help the sun climb higher in the heavens.

What would be more natural, once toleration of the Church was achieved in the early years of the fourth century, than for the Christians to seek to oppose their own festival of light to this pagan nature festival, the birthday of Christ, the "true light" hailed by Simeon as "the light to enlighten the Gentiles." He was the true Unconquered Sun, the Sun of Salvation as the hymn for Lauds in Lent calls Him. He was the "day-star from on high" (*Luke*, 1:18), the light that had won the victory over the darkness. Very early in the history of Christian exegesis the Church had applied to Christ the words of *Psalm* 18 which in their literal sense describe the progress of the sun through the heavens: "He comes forth as a bridegroom from his chamber, and rejoices as a giant to run his course." The Fathers had already seen in the words of the prophet Malachias, "For you shall see the sun of justice arise" (*Mal.*, 4:2), as a direct prophecy of Christ. Here was the true "unconquerable Sun" indeed. All these circumstances made it inevitable that the birthday of the "Unconquered Sun" should suggest itself as an ideal day for the celebration of the birthday of Christ, for, as the author of the fourth century treatise "De Solstitiis" in speaking of the pagan festival of *Sol Invictus* expresses it, "Who is as unconquered as our Lord, who has wounded death and conquered it?"

That the substitution of Christmas for *Sol Invictus* was really made may be regarded as highly likely from the references some of the Fathers make later in this same fourth century. St. Ambrose, in a sermon in which he is contrasting the pagan feast of the Sun with Christmas, says "Christ is *our* new Sun,"[2] while St. Augustine, preaching on the same feast day, tells his hearers that they are not to worship the sun that day as the pagans do but rather "Him who created the sun."[3] Even as late as the middle of the fifth century St. Leo feels compelled to rebuke those who, even though they have become Christians, still cling to remnants of the old superstitious veneration for the sun and celebrate Christmas as the birth of the sun rather than the birth of Christ.[4] These refer-

[2] *Sermo* VI, *MPL*, XVII, 614.
[3] *Sermo in Nat. Dom.*, VII, *MPL*, XXXVIII, 1007.
[4] *Sermo* XXVII, *MPL*, XXXIV.

ences give strong indications that those who fixed Christmas on December 25 did so with at least the thought in mind that they could compete with paganism by substituting a festival of Christ for a festival of the sun. The coincidence must have occurred to them if it did not actually influence the placing of the feast on that day.

It is also possible that we do not have to choose between the two hypotheses set forth above; both considerations may have played a part in moving the church at Rome to fix the observance of the birth of Christ on that day.

During the same fourth century that saw its introduction at Rome the feast of the Nativity soon spread to Milan and to other parts of Italy. The penetration of the new feast into the East was slow and it seems to have encountered opposition, probably because the Christians of the East, already celebrating the Birth of Christ (along with his Baptism) on January 6, saw no great need of a duplicate feast some ten days earlier. At any rate it was not until 386 that it was introduced into Antioch by St. John Chrysostom who calls it the "mother of all festivals," "which inspires the greatest reverence and awe." Somewhat to our surprise he tells the congregation that the great reason for celebrating the December feast was that Christ was actually born on that day! This is the first time that this was asserted in Christian antiquity and it appears that such an unprecedented claim was largely inspired by the need to convince people that the birth of Christ should be celebrated on that day. At any rate Chrysostom could make the proud boast that the new feast was firmly established at Antioch in his time.[5]

It had already reached Constantinople some years before that, during the time of St. Gregory Nazianzen, but it was not received at Egypt until 431. Jerusalem held out for the sixth of January as the observance of the Nativity the longest of all; it was probably not until the sixth century that the December festival was observed there. It was in connection with the attempt to persuade the church at Jerusalem to accept the Roman feast that we find the question of the actual historical date receiving the greatest attention given to it hitherto. Before this time no one (except Chrysostom) seems to have given it much serious thought; now it suddenly became of first importance, so that we find both sides maintaining, one that

[5] *MPG,* XLIX, 351 ff.

Christ was born on January 6, the other that he was born on December 25! Naturally, if he had actually been born on either date, it would greatly strengthen the position of whichever one was successful in establishing their contention. But that was, of course, impossible by this time. Alone of all the Eastern churches that of Armenia never accepted the December feast—to this day they continue to observe January 6 as the one Christmas festival.

The most striking and unusual feature of the celebration of Christmas is the appointing of three distinct Masses for this day. Originally there was only one, that now called the third Mass of Christmas Day, and it was celebrated at Rome early in the morning of December 25 as the climax of a long vigil held at Saint Peter's on the Vatican Hill, where it was customary to hold all such vigil services. The Gelasian Sacramentary, which is the oldest official Mass-book that we have, gives only one formula for Mass on Christmas day and that is identical with the one we now use as the third Mass on Christmas Day.

This was the rather simple arrangement for celebrating the feast until the fifth century and the pontificate of Sergius III (332-340). In honor of the maternity of the Blessed Virgin, but recently proclaimed at the Council of Ephesus, this Pope made alterations in the basilica of St. Mary Major on the Esquiline Hill and gave it the majestic form that it has retained to this day. One of his alterations was to build a reproduction of the grotto of the Nativity known as the "Praesepe"—a circumstance that won for this church the alternate name of *Sancta Maria ad Praesepe*. In this rather small chapel the custom grew up of celebrating a midnight Mass in honor of the Blessed Virgin, with the Gospel of the Annunciation. This celebration was, of course, over and above the vigil service still taking place at St. Peter's. It may be that this custom was borrowed, along with the grotto-chapel itself, from Jerusalem where we know from the "Peregrinatio" of Etheria Sylvia that a Mass was celebrated on Christmas night. The Roman church apparently borrowed both the grotto and this custom from Jerusalem.

This midnight Mass was celebrated by the Pope in the chapel mentioned above, and after it was over he presided over the special office that was recited in this place. By the twelfth century Matins no longer followed the Mass but preceded it, and Lauds was sung

only after Mass was over. To this day the rubrics of the breviary direct that the midnight Mass is to be preceded by Matins and followed by Lauds—a situation that was unique in the Church year until the revision of the Holy Week Ordo in 1955.

What is now the *second* Mass of Christmas Day (Missa in Aurora) was actually the last to be added to the celebration. At first it was not a Christmas Mass at all but a Mass in honor of Saint Anastasia, the virgin-martyr of Sirmium, who was supposed to have suffered martyrdom on December 25. There was a church at Rome on the Palatine Hill that originally was called the *Titulus Anastasiae* after the woman who had given the land for it—or possibly in honor of the Resurrection (which is Anastasis in Greek). In the course of the fifth century, because of the similarity of the name, the cult of St. Anastasia was introduced into this church; in time the original Anastasia was forgotten, and this became the special sanctuary of the martyr and was thenceforward called the church of St. Anastasia. Because this saint was held in special veneration at Constantinople, the Popes seem to have felt that any honors paid her at Rome would be pleasing to the emperors. Whether for this reason or not, they began in the sixth century to celebrate the holy sacrifice in this church on Christmas day—as we have seen, the *dies natalis* of the martry coincided with the feast itself. It is perhaps surprising to us that the Mass said on that day would be the Mass of the martyr without even a commemoration of the feast, but the rule was that the Mass of the Saint commemorated would be said on the day on which he died, even though that day should also be so great a feast as Christmas. The formula of this Mass, which even had a proper preface, may be found in the Gelasian sacramentary. Later on a commemoration of the Nativity was added. With the passing of time the process was reversed—the Mass at Saint Anastasia became the present Mass at dawn on Christmas Day; the Mass of the martyr disappeared, leaving only the commemoration which still remains in our missals as a reminder of what had been.

When he had finished this Mass at St. Anastasia, the Pope repaired to the Basilica of St. Peter where he said the third Mass —the original Christmas Mass, now known as the Mass of Christmas Day. This was the true stational Mass of the feast, and everyone went to Communion at it until as late as the fourteenth century.

By that time the custom had grown up of the members of the papal household communicating at the dawn Mass said at St. Anastasia.

Our modern missals no longer list St. Peter's as the stational church for this Mass because during the middle ages the Popes found it more convenient to return to Saint Mary Major's after the dawn Mass at St. Anastasia, instead of going all the way across the city to the Vatican Basilica. But this third Mass was said, not in the chapel of the Praesepe, but at the high altar of the church.

By the sixth century the custom of the threefold celebration by the Pope alone had become stabilized. Even to this day the homily in the third nocturn of Christmas Day by St. Gregory alludes to the fact that he was accustomed to celebrate three times that day. But it was a custom observed only at Rome and a privilege reserved to the Pope alone. It did not become common outside Rome until the tenth century, and even then the three Masses were public Masses only, celebrated at midnight, at dawn, and in the morning, by three different priests. The modern practice of one priest saying three Masses, whether he says them publicly or privately, began after the middle of the twelfth century and did not become widespread until some time after that.

The usual explanation of the symbolism of the threefold celebration, that the first commemorates the eternal generation of the Word, the second the temporal birth and the third commemorates both, is altogether artificial and arbitrary. It was the product of the excessive allegorizing of the middle ages and is not borne out by the texts of the Masses themselves. An examination of these texts will show that they fall into no such neat categories: the first Mass puts the accent on the birth of the Savior according to the flesh; the second, as we might expect from a Mass celebrated at dawn, accents the idea of the coming of the Light that enlightens every man coming into the world; the third Mass (which is the original Mass of the feast) develops mostly the theme of the Incarnation of the Word—"the Word was made flesh and dwelt amongst us."

The dramatic element in the events surrounding the Gospel story gave rise all during the middle ages to the mystery plays, dramatic representations that were held in connection with the liturgical celebration. One such mystery play was the so-called *Officium Pastorum* that was performed after the chief Mass of

the day. Traces of it remain in the first antiphon of Lauds in the present office: "Shepherds, what have you seen. Tell us and proclaim the Savior's birth." "We have seen the newborn child, etc." This desire to reproduce the touching circumstances of the Birth of the Child also found expression in Christian Nativity iconography which took form in the fifth century. (Oddly enough, there are no paintings of the Nativity to be found in the catacombs.) It is interesting to discover that the representations of the Nativity have followed exactly the opposite development from the representations of the crucifixion: from the fifth century to the fifteenth the Nativity was represented in sacred art in a realistic way—the Blessed Virgin usually depicted as lying down and the child wrapped closely in the swaddling bands, or even being bathed by an attendant. The accent was on the humanity of Our Lord rather than on His divinity. By the fifteenth century the trend had already advanced toward a more symbolic and less realistic presentation. The Blessed Virgin and St. Joseph are depicted on their knees. Angels and shepherds are introduced and join in adoring the newborn Child who is recognized at once and worshipped as the Incarnate Word.

The feast of Christmas has quite understandably been so overlaid with sentiment, not to say sentimentality, that the real object of the celebration has been often obscured. The accent is so often placed upon all the touching details of the Birth of the Babe of Bethlehem—the crib and the straw, the animals, the shepherds and the magi, these all absorb attention to the point of making us forget what it all means. Too often the treatment of Christmas in sermons and books of devotion is superficial—it remains upon the surface and is preoccupied with description of details already more than familiar, or with a psychological analysis of the state of mind of those who were present; or it is a rather platitudinous repetition of what has just been read in the Gospel without any real attempt to show the meaning of the event. Far too often it remains on a purely natural level. We miss the proclamation of the mystery of Christmas, any real attempt to explain what it is, any opening up of the Scripture text—any real preaching of the glad tidings. If we would discover the meaning of the feast and learn how it should be presented to the people, we must, as at all other times in the Church year, turn to the missal and

the breviary, where the Church gives expression to her faith and her love. There more than any other place will we find the object of the feast—what the Church is celebrating and why. We will quickly learn, even from the most casual and cursory study of the texts, that the Church views the mystery of Christmas in a far different and more complete way than it is seen in most popular expositions. The birth of Christ is indeed in the foreground, but it is always presented as the birthday not only of the Saviour but of our Salvation—it is the dawn of our redemption, the beginning of Christ's redeeming work, a work that will reach its completion in the triumph of Christ, in his Ascension into heaven and his Heavenly Session at the right hand of the Father "whence he shall come in glory to judge the living and the dead." The full dimensions of the feast include not only his first coming but his Second—it is a feast of glory, of triumph and majesty, and cannot be contained within the narrow limits of the cave and the manger, though indeed it begins there. There is no attempt to recapture the circumstances surrounding the historical incident, but rather a long leisurely development of the *meaning behind* that event. If the newborn Christ is celebrated at all, it is because of what He is *now,* the Glorious King of the Ages.

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CATHOLICS IN INVALID MARRIAGES

There are few figures available on the number of Catholics living in invalid marriages. Hence it is impossible to arrive at more than a general estimate. One study of a southern parish lists 11.79% of the marriages as invalid.[1] Investigation of an eastern parish discovered that 10.4% of the unbroken marriages of Catholics were invalid.[2] This same study notes that 19% of the mixed marriages had to be validated. Another author declares that the two biggest pastoral problems in the United States are mixed and invalid marriages.[3] My own experience on the parish missions, and that of other priests with whom I have spoken, would confirm or even increase these figures. It is not at all unusual to discover a hundred and twenty invalid marriages in a single parish. I have known of several cases in which the number has risen to four hundred and above. Indeed, it was reported that in one very large city parish with a transient population, eleven hundred invalid marriages were discovered. If we take particular racial groups, the picture is darker still. A priest who has been working for the last twenty years with the Spanish-Americans estimates 40% of these people to be in invalid marriages. Among the migrant workers, at times almost every couple in some camps is invalidly married. It might be mentioned, in this connection, that one priest in Buenos Aires rectified ten thousand marriages in ten years.[4] I would estimate, and I think this is quite conservative, that *at least 10% of the Catholics living in cities are in invalid marriages.* Many priests with whom I have discussed the question have said: "Father, that figure is much too low." But, if we take just that figure, think what it means in terms of souls! It means that there are approximately 1,678,700 Catholics in the United States living in invalid marriages!

Indeed, a study of the census figures as given in the *Catholic Directory* of 1956, and the *World Almanac and Book of Facts* of

[1] Fichter, *Southern Parish* (Chicago: The University of Chicago Press, 1951), p. 104.

[2] Schnepp, *Leakage from a Catholic Parish* (Washington, D. C.: The Catholic University of America Press, 1942), p. 92.

[3] O'Shea, "Lights and Shadows of the Parish Census," *America,* XCIII, 18 (July, 1955), 431.

[4] Ter Haar, *Casus Conscientiae* (Turin: Marietti, 1934), I, p. 143.

1956 confirms the estimate that has been made. In the year 1955 there were 1,524,000 marriages in the United States. Therefore, close to 3,048,000 persons were married. Of these, approximately 21.4% were Catholic, which would mean that about 652,270 Catholics were married in that year. However, we must remember that many of these entered into mixed marriages, which should increase the number of Catholic marriage celebrations. An accurate figure on the total number of mixed marriages is impossible to obtain. Studies seem to indicate that they run, according to locality, anywhere from 15% to 50%. Accepting even a very low figure such as 20%, there should have been 391,362 Catholic marriages celebrated in this country in 1955. However, taking the highest total of Catholic marriages recorded, including those of the Military Ordinariate, we arrive at the figure of 323,584 Catholic marriages actually celebrated. This leaves 67,778 marriages of Catholics unaccounted for, and presumably invalid. It is impossible to arrive at more accurate numbers without a properly conducted survey. Nevertheless, these approximate figures supply food for serious thought.

The first result of invalid marriages is that the parties themselves are living in mortal sin, exposed to imminent danger of the eternal loss of their souls. The consequences, however, extend not only to these persons themselves, but to their children, and their children's children. There can be no doubt that invalid marriages are among the greatest sources of leakage from the Faith. Of fifty invalid marriages studied by Coakley in Pittsburgh, there were twenty-six in which brothers and sisters of the parties were also involved in invalid marriages. It is, in general, the parties in invalid marriages that are not going to Mass on Sunday. In one study, 58% of those in invalid marriages were not attending Mass. It is these people who are sending their children to the public schools. What chance does a child have, whose parents are living in an invalid marriage, are not going to the Sacraments, and who himself is attending a public school, and very often getting little or no religious instruction? Often enough the children have not made their first Communion and are not even baptized. These invalid marriages are, then, a bleeding wound in the side of God's Church.

After experience ringing thousands of doorbells, I would characterize the attitude of the Catholics living in invalid marriages as

the following: (1) A few are hostile. These are particularly the ones who have fallen away from the Faith and joined some militant non-Catholic organizations. (2) Quite a number are indifferent, at least apparently. (3) Many are troubled and welcome the chance to talk about their problem to a sympathetic and understanding priest. (4) A number are really anxious, worried about their state, eager to have it corrected. (5) There are a few who are ready to do anything to get back to the sacraments. They would walk on their hands and their knees to the church if they were permitted to go to confession and communion. (6) Finally, there are quite a few potential converts in almost every parish, men and women who are married to Catholics, have Catholic children, and who would like to enter the Church if only the marriage situation could be straightened out.

Actually, in my experience, I have found 5% or less to be hostile. Most of the people are of comparatively good will. They would like to do something to get back to the grace of God and the practice of their faith. To this there are two great obstacles: (1) Ignorance —they don't know how to get started. Indeed, some think that by the fact of entering into an invalid marriage, they are excluded from the Church for life. (2) Fear—most of these people I have found to be afraid. They are afraid to bring their problem to the parish priest. We priests often don't realize it, but even for the ordinary Catholic who has not gotten into trouble, it is often a rather heroic act to push the doorbell of the priest's house. I have had good Catholics tell me that about themselves. How much more is it going to be a source of fear for those who must come to the priest to tell him that they have gotten into an invalid marriage.

I believe that the only way that we are going to reclaim the majority of these Catholics who are living in invalid marriages is to go out and search for them. It's only by the use of shoe leather, by the personal visit of the priest, that they will be regained for the Church. The priest must go to their homes, must break down their diffidence and their fear, show himself kind and understanding. Above all I would say, he must never give the impression that he is passing an unfavorable personal judgment upon them. This type of person is attracted by kindness; is repelled by harshness. They have not the strong faith that will accept reproof of the priest, even when it is deserved.

There appear to be few places in which there is a positive, active program to reclaim the Catholics in bad marriages. Most priests, indeed, are good and zealous, but they are swamped with work. The administrative problems of our large parishes have assumed such proportions that it is very difficult for a priest to do the real priestly work. Some priests are unaware of the problem, or unwilling to face it. Coakley mentions that when he told other priests about the picture as he found it after a fine-comb investigation of his parish, they answered him: "Well, my parish is not like that." However, the Sisters, who had taken the census and who were very experienced in the work, assured him that his parish was no different from the other ones in which they had taken up census.[5]

There are some priests, too, who are apparently indifferent. They seem not to want to be bothered by all the work involved in trying to correct these invalid marriages. Some say: "I have all I can do to take care of the good Catholics in my parish." Others appear positively antagonistic to these people, saying, more or less: "They made their bed—let them lie in it." There are some also who try to push off the case on another pastor if it is possible to find a way to do it.

There are priests who are too quick to say: "I'm sorry, but I can't do anything for you." And, last of all, there are some priests who are zealous, but confused. They don't know the marriage law. Indeed, it is very complex. But I have known tragic cases of people living for years in an invalid marriage that could have been fixed up, because the priest did not know his law well enough to see a possible source of rectification. I recall, for instance, a case in which a man and a woman lived in an invalid marriage for many years because the priest to whom they brought their case did not realize that the impediment of disparity of cult applied also to the marriages of baptized non-Catholics with an unbaptized person before the Code.

These Catholics may be in: (1) good, (2) bad, or (3) doubtful faith. They are in good faith if the invalidity of their marriage is unknown to them; e.g., there is a diriment impediment of which they are not aware. They are in doubtful faith if for positive reasons

[5] Coakley, "Catholic Leakage: a Factual Study," *Catholic World,* CLIV, 922 (January, 1942), 418-25.

they doubt the validity of their marriage. Of course, the primary obligation in doubt is to investigate, and to discern the truth.

Those who are in bad faith, that is, knowing the invalidity of their marriage continue to live as married persons, are in the state of mortal sin. They are deprived of sanctifying grace and of charity, incapable of supernatural merit, exposed to the danger of eternal damnation. They cannot be said to be "close to God" in the sense of possessing charity or perfect contrition. Any "good will" that they possess remains an inefficacious velleity with regard to regaining charity and the grace of God. The *voluntarium simpliciter* is to remain in the state of sin. Generally, such persons are in a proximate occasion of sin, either voluntary or necessary. They very often are public sinners, giving public scandal. Canonically, they fall into the class of those who have "attempted marriage." If the invalidity of the marriage is publicly known, they are public concubinaries. If still bound by a previous valid bond, they are guilty of the delict of bigamy. They are also subject to various canonical penalties.

The marrying of Catholics who have been living in an invalid marriage when this is prudent and possible may involve (1) *simple convalidation,* (2) *radical sanation.* The easiest case to handle is that of a couple, both of whom are free to marry, who, in their imprudence and haste, have attempted marriage before a judge, justice of the peace, or minister. However, the priest must be aware of the necessity of prudence. Before validating the marriage, he should be sure that the marriage will work out and that the couple will stay together. Often in the case of very young people who come from a good family the parents will put pressure upon them to have the marriage validated. But all too often such marriages entered in haste do not endure, and we have the tragic result of a young man or woman, perhaps twenty years of age or less, validly married, but divorced, who must face the rest of life unable to marry again while the other partner remains alive. Not infrequently such persons end up in another invalid marriage.

The case may also arise of a person who has been previously married, divorced, and then invalidly remarried, but whose spouse in the first marriage has in the meantime died. The prime necessity in such cases is to procure proof of death. But the priest should

remember too that there is very likely present the *impediment of crime* as a result of adultery with attempted marriage. A dispensation must then be procured from the first degree of crime.

In case the party has been previously married and the first spouse still remains alive, there may be a possibility of procuring a declaration of the nullity of the first marriage. If the first marriage merely involved a defect of form, the case can be handled summarily by the Ordinary according to the instruction of 1936. If there was a diriment impediment clearly present in the first marriage, the administrative process of Canon 1990 will apply. Other cases, for instance, lack of consent, or fear demand a formal process. It is also possible at times, observing the proper procedure, to obtain a Pauline privilege or the Privilege of Faith for the dissolution of the first marriage, if one of the parties is not baptized. In a rare case, one might obtain a dispensation from a *ratum non consummatum* marriage.

If there is an impediment to the present marriage, a dispensation must be procured from the competent authority. Finally, if the present marriage is invalid merely because of a lack of consent, then the parties should be instructed to renew their consent internally or externally, secret or publicly, as the case demands. Radical sanation *(sanatio in radice)* is obtained when the marriage has been invalid because of the presence of an impediment or defect of form, and for some reason it is now impossible to procure the renewal of consent, though the marital consent certainly perseveres.

Although the above solutions are at times available according to law, nevertheless, there are often practical difficulties in the way of arriving at these solutions in particular cases. The very complexity of the marriage laws results at times in ignorance and fear both on the part of the people and, in some cases, of the priest. The people do not realize that there is any solution for their case. They have heard, perhaps from some Catholic neighbor: "Well, if you've been married before there's nothing can be done for you." I've heard of cases in which this was even told to people by the Sister in the school. Again, people are afraid of what they will be getting into if they try to have their marriage fixed up. In some cases, rare it is true, on the part of the priest there may be ignorance of the possible solution of the case, and fear of the effort and labor and the many papers that are involved in handling marriage cases.

Then, too, the very slowness of the process, where there is a previous apparent marriage to be disposed of, constitutes a very real difficulty. The assembling of evidence, the hearing of testimony, the procuring of the documents, sometimes from distant places, and the administrative and judicial procedure in a marriage case often require a great deal of time. These cases can stretch on into months and into years. The people lose interest, become discouraged, and despairing, and sometimes in their impatience will not wait, but go and enter an invalid marriage outside the Church. Of course, one cannot excuse their action, but sometimes the slowness of the process is such that a very heavy burden is placed upon human nature. Where the delay is occasioned by the difficulty in procuring the requisite evidence, not much can be done. But it does seem that at times the delay in the marriage procedure is excessive. I know, for instance, of a case in which the people presented their evidence to the Chancery. They were told that notice would be sent to them of the decision. Four years elapsed and they have not yet heard even a single word. A pastor mentioned to me that one time he had waited two years for a declaration of nullity in an apparently simple case. I know of several cases in which the parties have waited nine years after presenting their case without hearing what had happened to it.

The vast majority of priests working in our Chanceries are, without doubt, good, hardworking, zealous priests. However, the attitude of a comparative few of the Chancery officials does constitute a great difficulty for priests who attempt to solve cases of Catholics in invalid marriages. At times there is excessive adherence to legal formalities, even when these have become unreasonable. I recall a case in which the validity of the first marriage, which was celebrated without form, depended upon whether the girl was the child of Catholic parents or not. It happened that the two parents could not procure their baptismal record. They were Mexicans, and the records in their birthplace had been destroyed during the persecution. However, they were present, ready to testify that they had been Catholic all their life, and, indeed, had been sponsors twenty-one times for Catholic children. Yet the official was reluctant to accept this as proof that the parents were Catholic without the written record of Baptism. Sometimes, too, there is a demand for more than moral certitude. The Holy Father, in his address

to the Rota Judges, Oct. 1, 1942, pointed out that one should not adhere to "juridic formalism" when there is no longer reasonable doubt of truth.[6] He declared that what is demanded in marriage cases is *moral certitude,* that is, that certitude that excludes reasonable doubt. The Holy Father also spoke of "the instinctive aloofness of the juridic mind from the ideas and preoccupations of the care of souls."[7] One may notice also the excessive conservatism of some Chancery officials in making use of special provisions in the law, or acknowledged by prudent authors, for handling particularly difficult cases, e.g., the *Privilegium Fidei,* the suppletory oath, the brother and sister arrangement. Of course, the law and the authors counsel discretion and warn of dangers, but they do not exclude entirely the use of such means. Lastly, human nature being what it is, there are a very few officials who alienate both people and priests by harshness.

The question might be asked: "Do not these factors result in a considerable number continuing to live in invalid marriages which could and would be repaired, in order to prevent a case slipping through here and there by honest mistake?" Of course, one cannot declare for an imprudent and irresponsible attitude toward Christian marriage, but an excessive rigidity and conservatism can result in the ruin of many souls. We must, prudently and discreetly, in accordance with the laws and instructions of the Holy See, try to remove the occasion of sin from these people's lives as quickly as possible. It might be asked, too, whether our present set-up in this country for handling marriage cases is adequate to the size of the problem involved. We go along complacently settling our comparatively few marriage cases, but what would happen if we really got to work on this problem?

If the parties cannot marry, they must separate, if possible, for they are then in a voluntary proximate occasion of sin. They cannot be absolved, as all theologians agree, if they refuse to separate when this is possible. Indeed, Moral theologians, following St. Alphonsus, advise that generally absolution be deferred in such cases until the separation has been effected. It is indeed often very

[6] Pius XII, "Allocution, October 1, 1942," *Acta Apostolicae Sedis,* XXXIV, (Ser. II, v. IX) 11 (November 23, 1942), 338-343. Cf. Bouscaren, *Canon Law Digest* (Milwaukee: Bruce, 1954), III, 605-611.

[7] Bouscaren, *Canon Law Digest* (Milwaukee: Bruce, 1954), III, 620.

difficult to get the persons to agree to separate. But it is not impossible. There are cases in which this has been done. The priest must, of course, beware of an involvement with the civil law for alienation of affections.

In rare cases, when neither party in the marriage is aware of the invalidity, and the case is occult, they can at times be left in good faith. The settling of such cases depends on the principles for *spes fructus* as outlined by Moral theologians. This might apply, for instance, where there is an invalid marriage because of an impediment from which a dispensation can be obtained. Quite often it is better not to inform the partners of the invalidity of the marriage until the dispensation has been obtained. Or again, it might apply in a case of impotence where the parties are in good faith, have no suspicion that the impotence invalidates the marriage, and there is fear, that if they are told, they will not separate but continue to live together, now in the state of mortal sin.

The last solution for the case of Catholics living in invalid marriages is the brother and sister arrangement. This will apply where the invalidity of the marriage is known to the parties, when they cannot marry, and cannot separate.

The marriage cannot be convalidated because there is an indispensable impediment, e.g.: bond, impotence, consanguinity in the direct line, priesthood, 2nd and 3rd degree of crime. Moreover, it is required that the parties cannot separate. The authors give as reasons why separation is impossible: (1) The impossibility of obtaining a civil divorce. It will be rare in the United States that this impossibility will be found. (2) Grave financial reasons. (3) Children who need the care of their parents. (4) Grave sickness. (5) The danger of infamy in cases where the invalidity of the marriage is not known to others. (6) Danger of scandal to others from a separation in cases where the invalidity of the marriage is not known. (7) The conversion of one or both. Such cases are not rare in our society. Such would be the case of a man who is making a comparatively small salary, who has several children, and who cannot possibly establish and support two households.

The parties are then in a necessary occasion of sin. Precisely, they come under the principles for *concubinage as a necessary occasion,* as lined up in the standard books of Moral Theology. I

mention this explicitly because, in the various discussions of this problem, I have seldom seen reference to the principles of the Moralists in this section.

All authors agree that the brother and sister arrangement is a *solution of last resort,* and is not to be used if any of the other solutions are available. The expressions of these authors vary in severity. In general, the Canonists seem to be more severe in their expressions than the Moralists. Coronata says that this solution is to be used *"rarissime,"* but "may be used for grave reasons when the case is occult."[8] Chelodi declares that the brother and sister arrangement may be permitted when other arrangements are not available.[9] Gasparri, that this solution is to be used *"fere nunquam."*[10] Payen, *"in casu rarissimo."*[11] Capello, whom most of the authors seem to echo, declares that the brother and sister arrangement is *"res plena periculis,"* and is *"fere nunquam"* to be permitted. However, he does allow it in extraordinary adjuncts.[12]

Among the Moralists, we may mention Wouters: "It is allowed if inescapable difficulties are in the way of separation."[13] Noldin, "if there is no danger of incontinence."[14] Aertnys-Damen, "when there are most grave and inescapable causes—if the parties would suffer a very great harm, for instance, a fall from their state, by separation."[15] Saint Alphonsus would permit it in order to avoid a very grave harm, e.g., in the case of a woman who could not support herself. He declares a man would probably not have to eject the woman if he could not do so without grave detriment to his reputation or his state. He notes also that a penitent is not bound

[8] Coronata, *Institutiones Juris Canonici, De Sacramentis Tractatus Canonicut* (Turin: Marietti, 1947), p. 929, n. 668.

[9] Chelodi, *Jus Canonicum de Matrimonio* (Vicenza: Societa Anonima Typografica Editrice, 1947), p. 163.

[10] Gasparri, *Tractatus Canonicus de Matrimonio* (Rome: Typis Polyglottis Vaticanis, 1932), II, 249, n. 1181.

[11] Payen, *De Matrimonio in Missionibus ac Potissimum in Sinis Tractatus Practicus et Casus* (Zi-ka-wei: In Typographia T'ou-se-we, 1935-1936), III, p. 479.

[12] Capello, *Tractatus Canonico-Moralis de Sacramentis* (Rome, Marietti, 1947), V, 841, n. 841.

[13] Wouters, *Manuale Theologiae Moralis* (Brugis: Beyaert, 1933), II, 466.

[14] Noldin, *Summa Theologiae Moralis* (Oeniponte: Rauch, 1955), III, 561.

[15] Aertnys-Damen, *Theologia Moralis* (Turin: Marietti, 1950), II, 369, 371.

to leave the occasion of sin if he will suffer grave temporal harm, as long as he is prepared to use the means to avoid falling into sin.[16]

Ter Haar gives the case of a woman in an invalid marriage who moves to another place, has five children the oldest ten years of age, who comes to confession on a mission. One confessor demands separation, the other absolves when she promises to live with her partner as brother and sister. He agrees with the second confessor considering this a necessary occasion, but demands that means be given her to avoid falling into sin.[17]

There have been three fine studies in this country on the brother and sister arrangement: Bishop John Król wrote on *"Permission to Parties Invalidly Married to Live as Brother and Sister."*[18] James P. Godley wrote a similar article: *"Brother-Sister Arrangement in Invalid Marriages."*[19] Then there is the thesis: *"Legislation and Requirements for Permissible Cohabitation in Invalid Marriages,"* by Bernard O. Sullivan.[20] These authors point out the dangers in the brother and sister arrangement, but also make it clear that the expressions of the Moralists and Canonists do not mean that the arrangement is never to be used. Król writes, for instance:

> There is a tendency among those in the active ministry to regard the brother-sister as something highly impractical. This approach is indeed a safe one, but it can be carried to unwarranted extremes. The fact is that the brother-sister arrangement is available as a practical solution in some cases.[21]

Godley writes:

> While it may be said that the demands made for the application of the brother-sister arrangement will limit its availability to very few marriages, it is nevertheless true, as known from experienced priests,

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[16] St. Alphonsus Liguori, *Theologia Moralis* (Rome, Vatican Press, 1905), Lib. III, 435, 441; Lib. VI, 455.

[17] Ter Haar, *op. cit.*, I, 140, n. 156.

[18] Krol, "Permission to Parties Invalidly Married to Live As Brother and Sister," *Jurist*, XI, 1 (January, 1951), 7-32.

[19] Godley, "Brother-Sister Arrangement in Invalid Marriages," *Jurist*, XIV, 3 (July, 1954), 253-274.

[20] Sullivan, *Legislation and Requirements for Permissible Cohabitation in Invalid Marriages* (Washington, D. C.: The Catholic University of America Press, 1954).

[21] Krol, *op. cit.*, p. 10.

that many couples could avail themselves of the privilege if they knew that there are possibilities for its acquisition . . . The need for a curative program cannot be gainsaid. Accordingly, it is hoped that the knowledge of this procedure become widespread among parish priests and receive the cooperation of the local tribunals as an available instrument in the program of the salvation of souls.[22]

Sullivan discusses the point at length. He declares that the terms *"fere nunquam"* and *"rarissime"* are to be taken not in an absolute but in a relative sense, that is as compared to the other solutions. He goes on to say:

Since the arrangement is a last resort solution with reference to invalid marriages, and since there are many dangers, conditions, and suppositions involved, it will find relatively infrequent use. It may, however, and often should find a more frequent and less fearful consideration on the part of those who currently need to deal with the increasing problem of invalid marriages for which there is no other solution. It is felt that there are many existing cases worthy of consideration.[23]

As far as I have been able to ascertain the attitude of Chanceries on this matter, it appears that some never give this permission; others are very cautious and give it only in the case of advanced age; some are more liberal. For example, Sullivan mentions that a certain large diocese receives one application a week, most of which are granted.[24]

The second requisite condition for the application of the brother and sister arrangement is that there be *no grave scandal.* This is perhaps the most difficult aspect of the question. We need not enter here into the nature of scandal and principles that apply to it, but merely point out that there are two possible sources of scandal in such cases: (1) The apparently sinful cohabitation; (2) The apparent approval of the Church if such persons are allowed to receive the sacraments.

We must distinguish in this connection between cases that are: (1) *formally public;* (2) *materially public;* and (3) *occult.* The authors seem to agree that the term "public" in this connection is to be taken in the sense of Canon 2197 § 1, which declares that a

[22] Godley, *op. cit.*, p. 274.
[23] Sullivan, *op. cit.*, pp. 75-79.
[24] Sullivan, *ibid.*, p. 77.

crime is public if it is already divulged or likely to be divulged. A crime is materially public if the fact of the crime, but not its imputability is known. It is formally public if both the fact and the imputability are known. Applying these distinctions to an invalid marriage, the case is *formally public* if both the fact of the invalidity of the marriage is known or likely to be known, and it is also known that the marriage cannot be repaired. Such would be the case of a man of whom it is publicly known that he has a wife by a previous valid marriage before the priest. The case is *materially public* if the fact of the invalidity of the marriage is known, but not the reason, that is, the public does not know the convalidation of the marriage is not possible. People may think that the marriage is invalid, for instance, only because of a defect of form. The case is *occult* if the invalidity of the marriage is not known. For a case to be occult it is not required that absolutely no one know of the invalidity of the marriage. It could be known to a few prudent and discreet persons who are not likely to make it public. This might happen, for example, in the case of a couple invalidly married who move to a new locality where only their parents know of the invalidity of the marriage. Since, in a formally public case, there is already the scandal of cohabitation in an invalid marriage, and there would be the still greater scandal of the apparent approval of the Church if such persons were known to receive the sacraments, permission to live as brother and sister will rarely be given. Such parties must separate if it is at all possible. If separation is impossible because of very grave reasons, they must make every effort to move to a place where the invalidity of their marriage is not known. The case would then become occult. In a case where it is both impossible for the parties to separate because of very grave reasons, and it is also impossible for them to move to a new locality, the public reception of the sacraments can never be permitted. However, at times the private or secret reception of the sacraments may be permitted to such people, provided the other requirements of the brother and sister arrangement are met, and the parties promise to remove the scandal as soon as it is morally possible.[25]

We might here interject the question: Can public scandal be removed in such cases by allowing it to get around that the parties

[25]Sullivan, *ibid.*, pp. 104, 105.

have agreed to live as brother and sister? Of course, a public announcement in church should never be made that "Mr. and Mrs. Jones are now living as brother and sister." But, what if this were mentioned to friends so that it would get around gradually? Aertnys-Damen[26] and Ter Haar,[27] speaking of public concubinage, say that scandal can be removed by divulging the necessity of the occasion, by the parties showing signs of conversion, by receiving the sacraments, etc. On the other hand, American authors and the Chancery officials to whom I have spoken seem to desire that the brother-sister arrangement be kept as secret as possible. However, there is no doubt that knowledge of the brother-sister arrangement is becoming more widespread among our people. Coronata permits the divulging of the arrangement and public reception of the sacraments if the parties are of such advanced age that the credulity of the public would not be tested.[28] DeSmet allows the public reception of the sacraments if one of the parties is gravely sick, but demands that a declaration be made that they will convalidate their marriage or separate as soon as possible.[29]

If the case is only materially public, that is, people think that the marriage can be validated, scandal can generally be removed by stating: We had the case "fixed up by the priest," or "We took the matter to the Chancery," or even, at times, by the public reception of the sacraments, in which case the people would presume that the marriage had been rectified. If the case is occult, there is no question of scandal.

The third condition for the brother and sister arrangement is that there be *no proximate occasion of sin.* If the occasion of sin is voluntary, that is, the parties can separate, then they must separate as all theologians agree. Indeed, the opposite opinion was condemned by Innocent XI. If the occasion is necessary, it must be rendered remote by the use of proper means. Authors demand that the parties sleep in separate beds, and generally that they sleep in separate rooms that are not easily accessible. Sullivan does not believe that the latter is an absolute requirement so that the per-

[26] Aertnys-Damen, *op. cit.,* II, 491.
[27] Ter Haar, *op. cit.,* p. 143.
[28] Coronata, *op. cit.,* III, 930, n. 669.
[29] De Smet, *Praxis Matrimonialis ad Usum Parochi et Confessarii* (Brugis: Bayaert, 1939), p. 139, n. 88.

mission must be refused if the parties cannot have separate rooms.[30] They should avoid being alone as much as possible, make use of prayer and frequent the sacraments. St. Alphonsus and other Moralists recommend that generally absolution be deferred until they prove that they can remain continent by the use of means.

Finally, in order that a man and woman may licitly live as brother and sister, there must be permission of the *competent ecclesiastical authority*. One might ask: "What is the juridic nature of this permission?" It is certainly not a dispensation, nor a privilege in the proper sense of the term. It seems to be a declaration by the competent authority that the law of God in the circumstances permits the cohabitation of the man and woman. It involves also the permission to receive the sacraments publicly or privately, although according to the ordinary rules, the person would not be allowed to receive them.

There is no specific legislation on the brother-sister arrangement in the Code of Canon Law. For extraordinary cases, the Holy Office is the competent authority in the external forum; the Sacred Penitentiary for the internal. In many dioceses in the United States the Ordinary reserves brother and sister cases to himself. As custodian of public morals and guardian of the sacraments,[31] the Ordinary certainly has the right to reserve all public cases to himself, both those that are formally and materially public. The case, moreover, may be reserved to the Ordinary because a reserved sin is involved, e.g., in dioceses where marriage before a justice is a reserved sin; because there is a reserved censure; or because there is a valid and prior bond in existence, and permission to separate from the consort has not been legitimately obtained.

Moreover, even cases that are doubtfully public should be referred to the Ordinary because in such cases there is the possibility of scandal, and very often it is only the Ordinary that can make the proper decision whether the scandal is really present or not.

The question now arises, "Can the Ordinary reserve entirely occult cases to himself and demand that these be handled in the *external forum?*" Here we have a very delicate problem involving,

[30] Sullivan, *op. cit.*, p. 64.
[31] Can. 336.

on the one hand the right of duly constituted authority, and on the other, the right of man to keep his secret sins hidden, preserve his good name, and the secrecy of the internal forum, at times of the sacramental forum. Before proceeding to a discussion of this we might ask: "Is there any such thing as an occult case when there is a question of an invalid marriage?" Undoubtedly there can be entirely occult cases, although these probably will be rare. Take the case, for example, of a Catholic woman who entered an invalid marriage forty years ago, moved to another place, but has never had the courage to bring the matter to the priest. She has been a pillar of the parish, in fact has had the priest and even the bishop to her home. No one even suspects that she is not validly married. Not even her own children know. They are aware that the mother is not going to the sacraments but don't know the reason why. Such a case would certainly be occult.

We might ask, likewise: "Can a pastor, and particularly a confessor, ever be certain that a case is occult?" Król points out that it is sometimes difficult for the confessor to know whether the case is truly occult; that the penitent may have been responsible for the breakup of a previous marriage; that the confessor may not know the attitude of the other spouse. Again, we would have to say that it may be rare, but there certainly can be cases in which both the pastor and the confessor are morally certain that the case is occult.

With regard to the question: Can the Ordinary demand that entirely occult cases be handled in the external forum? Sullivan says:

> It seems that he cannot. If the parties of an entirely occult case are willing to present their case in the external forum, and fill out the questionnaire, they may do so. There are some, however, who would find the exposition of their sinful life an unbearable burden.
>
> In fact such a demand seems to be a violation of the basic right to keep one's sins hidden. Undoubtedly, a demand of this nature would place an unmerited and unnecessary burden on those who had entered an invalid marriage through no fault of their own. Moreover, such regulation would deter many, who are otherwise worthy and willing subjects, for applying for permission to live on a brother-sister basis . . . It seems, therefore, that while the Ordinary can reserve all brother-sister cases to himself, he cannot lawfully or prudently demand that

all cases, even the most secret or occult, must be handled in the external forum.[32]

An absolute demand that all cases, even the most occult, be brought into the external forum would seem to be an unwarranted mixing of the external and internal forum. The Church, even with regard to reserved sins, which are handled by the Ordinary in the internal forum, declares that the reservation ceases when the faculty cannot be asked without great inconvenience to the penitent or danger of violation of the seal.[33]

Almost all cases in prudence should be referred to the Ordinary. Most of them will be either public or doubtfully public. However, I do not believe that the Ordinary, reserving all brother and sister cases to himself, means to demand that even the most secret and occult cases be brought into the external forum, when the confessor has moral certitude that the case is not publicly known and there is no danger that it become publicly known. Such a case would best be handled in the internal forum. This is the interpretation of several responsible Chancery officials of larger dioceses.

Here another question may be introduced: "Is it prudent and within the power of the Chancery to exact a promise that in case of violation of the brother-sister agreement, the parties will not approach the sacraments unless they separate or refer the matter to the Ordinary?" Król and Godley give such a promise in a form attached to their articles.[34] Sullivan thinks that the parties should not be forced to reveal the violation of their promise to abstain from marital relations, unless the violation of the promise become public.[35] For this would be practically forcing a public confession of grave sin. The best solution is that once the matter is settled in the external forum, the violation of the promise be handled by the confessor in the internal forum, according to the rules of Moral Theology concerning the occasions of sin. If it becomes clear that the cohabitation is a proximate occasion of sin which cannot be rendered remote, the confessor would have the obligation of imposing separation upon the parties.

[32] Sullivan, *op. cit.*, p. 132.
[33] Can. 900.
[34] Krol, *op. cit.*, p. 32; Godley, *op. cit.*, p. 273.
[35] Sullivan, *op. cit.*, p. 133.

Another very practical question interposes itself: "What practical program have we for younger couples who have made the mistake of entering an irreparably invalid marriage, who are now sincerely repentant, ready to repair the scandal as far as possible, but who cannot separate because of grave reasons, if they have proved by experience under the guidance of a confessor, that they can and will live as brother and sister?" Actually, it would seem to be very difficult for such persons to obtain permission from most Chanceries to live as brother and sister. Quite generally permission is only given to those of advanced age. What can be done for such couples? I don't believe that a priest should ever say to people who are of good will, "I can't do anything for you." No one is ever in circumstances in which it is impossible for him to put himself in the state of grace and save his soul. We must determine: What is the obligation of such persons before God? If they can separate, they must do so. If separation is morally impossible, they are not bound to it. Whether permission can be obtained or not, if separation is impossible, it is their duty to live as brother and sister. The priest should get them to make an act of perfect contrition and help them to use the available means of grace to keep the law of God in their difficult situation. But a further question arises: If such persons do live as brother and sister in cases where separation is impossible, have they not the right from the Divine Law to receive the sacraments, at least secretly? Would this not also hold true for a potential convert who is in an invalid marriage which cannot be repaired, who cannot separate, but honestly wishes to enter the Church? If such a person, after a period of trial, proves that together with the husband or wife they can and will live as brother and sister, have they not a right from the Divine Law to be instructed, to be baptized, and to receive the sacraments secretly?

When the brother and sister arrangement has not been reserved to himself by the Ordinary, the principles will be practically the same as above. Formally public cases should be brought to the Ordinary. Materially public cases may at times be handled by the pastor. Occult cases can be handled by the confessor, but there is the same demand for prudence that was mentioned above. Indeed, it will rarely ever be prudent for a confessor who is in a locality only for a short period of time to grant a brother-sister permis-

sion. First of all, he will scarcely ever be in a position to judge whether scandal is present or not, whether the case is public or occult, and secondly it will be very difficult for him to know whether the proximate occasion of sin is present or not, unless he can guide them over a period of time.

CONCLUSION

The problem of the large number of Catholic people living in invalid marriages is undoubtedly a sad, indeed a heartbreaking one for the Church of God, and for those who love the souls for whom Christ died. We priests must do all we can with love and zeal and self-sacrifice to reclaim these erring sheep. However, prevention is always better than repair. We must work to instill in our young Catholic people a love and loyalty for God's Church, respect and obedience to her laws. It is a tragic thing that so many boys and girls whom we have educated for eight, twelve years or more, go out, and, in a comparatively short time after they have left our Catholic schools, enter an invalid marriage. In one study 33% of those in invalid marriages had attended Catholic schools. Should we not do more to bring a knowledge of the Church's laws on marriage before our Catholic children in the grade school and particularly in the high school, to instill into them the right principles, to awaken their loyalty, to bring before them the terrible dangers to their salvation if they enter an invalid marriage, so that this cancer will not continue to eat into the heart of our Catholic society in the years to come?

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POPE PIUS XII AND THE LEGION OF DECENCY

On Sept. 8, 1957, Pope Pius XII issued a lengthy encyclical entitled *Miranda prorsus.* The general theme of this papal pronouncement is the attitude that Catholics should take toward the marvelous *(miranda)* technical inventions which are the boast of the present generation, particularly the cinema, radio and television. This article is concerned only with the first of these three "marvels." I hope to discuss the other two in a later article.

The Pope informs us at the beginning of the Encyclical that this is not the first pontifical pronouncement on the problem of motion pictures. His predecessor, Pope Pius XI, in 1936, sent to the Hierarchy of the United States the encyclical *Vigilanti cura.*[1] And Pope Pius XII himself has spoken on this matter before, particularly in his address to representatives of the Italian film industry on June 21, 1955,[2] and in his discourse on the "Ideal Film" to the International Union of Theatre Owners and Film Distributors on Oct. 28, 1955.[3] Furthermore, as the Sovereign Pontiff notes, he has taken steps to set up in the Roman Curia a special commission, whose task it is to make careful study of the various questions connected with motion pictures, radio and television which touch on the Catholic faith and Christian morals.[4] And while the Pope expresses his gratification that as a result of these pontifical directions and admonitions efforts have been made by not a few statesmen as well as professional businessmen, non-Catholic and Catholic, to promote the cause of morality in motion pictures, radio and television, he also deplores the fact that others have opposed the teaching of the Church on these matters, either for an inordinate desire for gain or because they do not have a balanced view on human dignity and freedom or because they have a false opinion about the real meaning of art.

The body of the encyclical is divided into four sections, under the headings of general instructions, motion pictures, radio and television. It is interesting and instructive to note that the first

[1] *AAS,* XXVIII (1936), 249 ff.
[2] *Osservatore Romano,* June 22, 1955.
[3] *Osservatore Romano,* Oct. 29, 1955.
[4] *AAS,* XLVI (1954), 783 f.

point emphasized by the Pope in the general instructions is that much good can be accomplished by motion pictures, radio and television. He mentions particularly the use of these media of communication for the propagation of Christian truth, the broadcasting of news, the promotion of education and culture and proper entertainment. This positive approach of the Sovereign Pontiff to the problems of motion pictures, radio and television should serve to remind those who write or speak on these subjects that they should not content themselves with merely condemning objectionable movies or programs. A positive effort to encourage the production of good pictures and programs should be the primary Catholic attitude. A very excellent article on this phase of the campaign for good movies is contributed to *America* for March 30, 1957, by Bishop William A. Scully, Chairman of the Episcopal Committee on Motion Pictures. The September 1957 issue of *Theological Studies* also contains a fine development of this theme, contributed by Fathers Gerald Kelly, S.J., and John Ford, S.J. It should be noted that a plan in this direction suggested by Bishop Scully and praised by the other two writers finds approval in the encyclical—namely, the establishment of study groups dedicated to the analysis and criticism of motion pictures. The Pope says: "The sound policy of Catholics who have encouraged, especially in recent years, the need to educate the spectators in this way, is most praiseworthy. And several plans have been launched which aim at making both youths and grown-ups willing to examine adequately and competently the benefits and the dangers of these shows and give a balanced decision on them."

However, the Vicar of Christ does not limit his directions to the positive aspect. He is aware that much harm is being done to souls by motion pictures, radio and television. Hence, after reminding those employed in these arts that "into their hands have been placed these useful instruments by which the priceless treasures of God may be spread among men like good seed which brings forth fruits of truth and goodness," the Pope asserts that cockle has been spread through these same arts because man is endowed with free will and hence can abuse the technical inventions which are gifts from God.

The Pope then makes a statement regarding the right of the Church to use media of communication in order to propagate her

teaching, irrespective of governmental ruling. "Since the Church is the teacher of the doctrine which leads to salvation and has all that is necessary for the attainment of holiness, she is exercising an inviolable right when she teaches what has been committed to her by divine command . . . Indeed, all true and active sons of the Church, since they recognize the priceless gift of the Redemption, are bidden to ensure, to the extent of their power that the Church may use these technical discoveries in so far as they may assist the sanctification of souls." He adds a statement, based on the Catholic principle of Church-State relations, that all civil rulers are bound by the law of Christ to acknowledge His Church: "It ought to be the duty of all public officials to recognize this sacred right [of the Church to teach her doctrine], with the result that she should be given ready access to these arts by which she may spread truth and virtue." However, the Pope goes on to say, the State, too, and private citizens may use the new means of communication to spread news and teachings that will be useful toward education and culture.

The question of the right of the State to exercise censorship over films, which has been the subject of much discussion in the United States, receives a definite answer from Pope Pius XII. "Beyond all doubt public administrators are strictly bound to be watchful over these modern arts also . . . It cannot be asserted that this watchful care of the State's officials is an unfair limitation on the liberty of individual citizens, for it is concerned, not with the private citizen as such, but with the whole of human society with whom these arts are being shared." The Pontiff affirms his awareness of the opinion (which we hear expressed so frequently in America) that the best type of censorship is that which comes directly from the industry itself. He attributes this view to men who are "unreasonably intolerant of the intervention of public authority," and calls for unity of action between the industry and public officials.

The most important portion of the encyclical, as far as Catholics in the United States are concerned, is that which deals with the organization which we call the Legion of Decency. The Pope narrates that Pius XI directed the bishops of each land "to set up a permanent national office of supervision whose business it would be to encourage decent films, but to give to others a recognized

classification and make it known to priests and faithful,"[5] and Pius XII now desires that similar supervision be given to radio and television programs, preferably by the same committee, but at least by one that will act in close cooperation with the committee concerned with motion pictures. He urges, further, that the national offices of each counry unite with those international associations to which the Holy See, after due consideration, has given approval.

Speaking specifically of the task pertaining to those composing the committee assigned to classify films, the Pontiff says that they must regard it most seriously and fulfill it exactly and prayerfully. For, he says, they should remember that the task "of classifying and passing judgment on each film program aims especially at giving clear and appropriate guidance to public opinion with the intention of leading all to value highly the rules and principles of morality." He then refers to the divisions to be followed in classifying pictures—"those which can be seen by all, by the young, by adults; and those, on the other hand, which can be a moral danger to the spectators, and finally those which are entirely bad and harmful" (the classification which our Legion of Decency follows in designating pictures as A1, A2, B and C). Then the Sovereign Pontiff adds: "We earnestly desire that Christians be not only warned with care as frequently as possible on this topic, but that they fulfill the grave obligation of acquainting themselves with the decisions issued by ecclesiastical authority on matters connected with motion pictures and of faithfully obeying them."

Does this mean that there is a strict obligation on the part of the Catholics to follow the ratings of the Legion of Decency as an act of obedience? I do not believe that this follows necessarily from the words of the Pope; though, of course, if an individual Bishop accepts the ratings of the Legion and directs that they be followed by the people of his diocese, the obligation of obedience would then be evident. Nevertheless, I believe, as I stated eleven years ago, that ordinarily a Catholic has an obligation in *prudence* to follow the ratings of the Legion.[6] And I believe that this opinion

[5] *AAS,* XXVIII (1936),.261.

[6] *The American Ecclesiastical Review,* CXIV, 4 (April, 1946), 245. It is worthy of note that the Pope in *Miranda prorsus* speaks of the grave obligation on the part of the faithful to know and to obey the decisions issued by *ecclesiastical authority* on matters connected with motion pictures, but he

is confirmed by the present encyclical, emphasizing as it does the importance of the task of the committee "to give clear and appropriate guidance to public opinion" *(ut hominum mentes publice, ut oportet, illuminentur)*.[7]

Other wise directions are given by the Pope to those engaged in the cinema industry—actors, distributors, producers and directors. The general theme is that they must carefully avoid what may be harmful from the moral standpoint and strive for the "ideal film" that will be fully in accord with the Christian traditions on truth, beauty, and goodness.

Abstracting from the question as to the gravity of the sin committed by attendance at various types of pictures,[8] I would like to say something about the importance of cleaning the screen in respect to the pictures classified by the Legion as "B" pictures. Beyond doubt, many spectators, especially the young, are placed in grave danger by such pictures (I am referring to those which are on the "B" listing because they present lascivious scenes). And I believe that the increase of such pictures over the past twenty years is mostly due to the fact that Catholics do not support the attitude of the Legion in respect to such pictures.

Let me give a concrete example. In former years Music Hall in New York was noted for the fine, clean pictures that it featured. Children could be safely brought there without any fear that they would be put into the occasion of sin. But recently there has been a change of policy. As of the present (October, 1957) the third consecutive "B" picture is on the screen at Music Hall. What is the reason for this new procedure? I believe it came about because the management now realizes that there will be no substantial diminution of attendance when a "B" picture is produced. Undoubtedly, a large number of those who have gone to Music Hall in recent

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does not state that the decisions of the committee are included in such directions.

[7] Throughout this article I have used the translation of the Encyclical issued by the NCWC, with one exception. The Pope did not say that what we call "B" pictures *are* a moral danger to the spectators. He said that they *can be* a moral danger *(quae in morum discrimen spectantes inducere queant)*.

[8] I discussed the sinfulness of attending the various classes of films in the April, 1946, issue of *The American Ecclesiastical Review*, and I still hold the same views which I then expressed.

months to see a picture rated as "objectionable in part" by the Legion of Decency, and consequently one that "can be a moral danger to the spectators" in the words of the Pope—were Catholics who were not concerned in the least with the Legion's rating of the picture, and did not even take the trouble to look it up in a Catholic paper. To venture a guess, I would say that the attendance of Catholics at Music Hall was not five per cent less than it would have been if an "A" picture were being shown. And this difference was surely made up by the attendance of those who like some "sexy" scenes in the movies.

Let us suppose that we could bring it about that all Catholics stayed away from Music Hall while the "B" pictures were the feature. We can be sure that the management would soon issue a fervent promise that never again would they show a picture unless it had an "A" rating from the Legion.

I do not hesitate to say that the work of the Legion will never be really successful until we can get Catholics as a whole to shun, not only "C" pictures—those that are entirely bad and harmful, as the Pope expressed it—but also those that are classified as "B." Certainly, there are many individuals that could see "B" pictures without any proximate moral danger to themselves. But for the benefit of many others to whom such pictures offer grave danger, these individuals should be strongly urged to stay away from the movies classified as "objectionable in part." And the task of bringing this about belongs principally to priests.

Can we priests succeed in doing this? I believe we can with united effort. In the first place, our campaign should be directed, not primarily against particular pictures but rather against the theaters that regularly show such pictures. And to make this campaign successful we must follow the procedure adopted by advertisers, bringing our admonition over and over again to our people. The written word is not nearly so effective as the spoken word. By merely hanging the Legion of Decency's listing in the vestibule of the church or by relying on the diocesan paper to produce adequate results we are not going to succeed. The people must hear our message, week after week; for only then will it sink sufficiently into their consciousness to produce results. In many of our parish churches this method could be carried out by a brief announcement, Sunday after Sunday—"You are urged to stay away from

the Smith Theater." To give the needed positive aspect of our project we could add—if there is a local theater that is showing pictures that are commendable, morally and artistically—"You will find clean and excellent entertainment at the Brown Theater." Of course, in a large city where there are many theaters the announcement would have to concentrate on a few. I do not hesitate to say that if such a process were carried on in our country, at least in places where the Catholics are sufficiently numerous to make a considerable difference in the patronage or non-patronage of the theaters, there would soon be a nation-wide clean-up of the screen, and the percentage of "B" pictures would speedily diminish. Needless to say, a program of this nature would always have to be under the guidance and with the approval of the local Ordinary.

Secondly, I believe that priests should stay away from "B" pictures. I feel sure that the average priest can safely see the average "B" movie without gravely endangering his spiritual welfare. But for the common good, and especially for the good of our youth, to whom the Pope makes an explicit appeal in this Encyclical, urging them to "keep their mind free from immodest and earthly pleasures and direct it to higher things," we priests should set the example. When a priest is seen at a picture that is put on the "B" list—and I am referring particularly to those that are thus classified because of the danger to purity that they will offer to a considerable number—many lay persons (especially the young) will argue: "I saw Father X at a 'B' picture last week, and that means that I am not doing wrong when I go to any 'B' picture." Of course, it is an illogical way to argue; but in many cases it will outweigh completely the direction of the Legion.

The element of cooperation should also be considered. As the Pope asserted: "There is a duty of conscience binding the spectators, who, each time they buy a ticket of admission—as it were, casting a vote—make choice of good or bad motion pictures." It is surely inconsistent for a priest, a leader in the Church, to cast a vote for a picture that has been disapproved (even though only in part) by a committee of prudent persons acting under the sanction and direction of the Church's hierarchy.

Not only as Catholics, but also as Americans, we should do something decisive and nationwide to clean up the screen. In

recent weeks we have been confronted with the unpleasant realization that our Communist enemies are forging ahead of us in scientific proficiency. One reason for this disturbing fact is the diligence and interest in studies that characterize the youth of these hostile nations, in contrast to the indifference to learning shown by so many boys and girls in the United States. Our young folks are becoming soft, unwilling to make the effort that hard study demands. One reason for this is their preoccupation with pleasure, especially sex pleasure. And a potent influence toward this unfortunate attitude comes from the many motion pictures which overemphasize sex and which many of our young folks are regularly attending.

The Catholics of the United States, and especially priests, can do much to remedy this situation. It is incredible how diffident we Catholics are to use our power and influence in our land toward the good of morality and the good of our nation. So many Catholics are afraid that they will become the object of the charge of the "liberals" that we are destroying freedom by imposing our notions of decency on our fellow-citizens. Actually, if we unite and uphold the traditional Catholic notions of purity and modesty, we shall be making a far greater contribution toward the strength and the progress of our nation than those who are bringing down the morals and the morale of our people by promoting license on the state and the picture screen. And this we can best accomplish by uniting with the Legion of Decency in its efforts to wage the campaign in support of good pictures and in opposition to bad pictures, so urgently recommended to all Catholics by the Vicar of Jesus Christ.

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THE CRYPT CHURCH OF THE NATIONAL SHRINE OF THE IMMACULATE CONCEPTION

When one enters the Crypt Church of the National Shrine of the Immaculate Conception, immediately he sees before him an altar—not the reredos of an altar, not a marble cliff or a huge crucifix or a picture, but, under a low ceiling, out in the center, an altar, a huge block of stone set upon a low platform, a place for sacrifice. That altar is the center, the focal point of the Crypt Church. It is dedicated to Our Lady of the Catacombs.

There is a profound integrity in the design of the Crypt Church. It is by no means a basement put to use. It is not a truncated Gothic or Romanesque chapel nor a private florid fling at horizontal splendor. It is an underground Church. There is no mistaking its character as a crypt. There is no mistaking its relationship to the massive proportions of the building above it.

The perfection of the design consists in many things. It provides a church that recalls the atmosphere of the corridors and the chapels of the Roman catacombs and yet has an original character of its own. It transforms the need for enormous structural strength and mass into a sense of power that lends grandeur to even a low-ceilinged room. The design is so honest, so clean, that it always maintains its wholeness, its unity, while allowing for the most exquisite detailing of particulars among the parts. When the upper church is completed, the Crypt church will lie beneath the sanctuary and chancel of the upper church.

The Crypt church has the form of a stubby Latin cross. At the head of the cross is the north apse. The arms of the cross are the east and west apses. The stem of the cross is the nave. The main altar is at the crux, where the arms cross the stem. Above the altar is a groin arch constructed to sustain a weight of one million pounds. The arch has a diagonal span of sixty-five feet. The four corners of the arch rest upon huge marble columns lodged against heavy piers.

Each curved apse has five apsidal chapels: a recessed altar, a mosaic above, a lunette window, a peaked soffit. Each apsidal chapel is like a cupped hand, with the palm towards the main altar.

The altar is at the heel of the hand. The eye follows from the altar along the curve of the middle finger up and back to the center of the apse. Architecturally, the apsidal chapels act like funnels that carry vision upward, across a pattern of tiles to a center which refers at once to the central groin arch. The final result, then, is that at the entrance to the Crypt church, the eye is carried down the vault of the nave to the altar. When one looks beyond or to the right or left, his eye is swept back automatically to the altar.

Aesthetically, the most significant thing in the Crypt church, the most compelling thing and yet perhaps the least tangible, the least subject to reduction to words, is the architecture, the form—that amazing something that cradles an altar in splendor and yet leaves it to stand almost in loneliness.

On the ceiling of the nave about midway from the entrance to the main altar is a large panel of engraved ceramic tile picturing God the Father. Again, halfway to the altar, on the ceiling, is a tile depicting God the Son. Above the main altar, a plaque twenty feet square depicts the Holy Spirit as a Dove surrounded by adoring angels.

These three medallions are examples of a rather unusual art form which has been used widely in the Crypt church. Altogether, there are forty-two tile medallions on the ceiling of the Crypt church, plus twelve scriptural texts and innumerable borders and symbols. In addition, the stations of the cross are also of ceramic tile. These tiles are the work of an artist named Mrs. Mary Chase Stratton of Detroit, Michigan, whose pottery was called Pewabic Tiles. In this type of work, design is incised deeply into the clay and color is added before the clay is fired. The color of the tiles is very soft and subdued. The tiles, done some thirty years ago and after an intensive study of the art of the catacombs, are simple, primitive, yet they give the impression of being very modern.

Because of the subdued character of this art, it offers the possibility of an intricate and elaborate scheme of iconography which can be present and yet not obtrusive, which can lend itself to the architecture rather than interfere with it.

The tile representation of the figure of God the Son is very interesting. It is modelled after a detail of the *Adoration of the Magi,* a fifth century mosaic in the church of St. Mary Major

in Rome. The long panel shows a text: "And the Word was made flesh." Christ is represented, not as an infant in a crib nor in the arms of his Mother. He is represented as a young boy on a very rich throne. In 1892, the Reverend (later Bishop) Thomas Shahan, founder of the National Shrine of the Immaculate Conception, published a book called *The Blessed Virgin in the Catacombs.* In this book, Bishop Shahan commented on the mosaic which thirty years later was to be reflected in the National Shrine:

> It is the powerful and hitherto unequalled conception of the Divine Child. This is the Jesus of the Hidden Life. . . . There is in the eyes a calm and holy inspiration, the bright effluence of the mighty internal fires of the Beatific Light. The hand uplifted to bless, the sweet gravity of the features, the recollection, express most perfectly the sorrowing love of Jesus—*misereor super turbam.* In the charm of immortal youth, in the calm consciousness of infinite power, in the sweet and dignified repose the artist has delicately shadowed out the divinity, while the tender frame, its disporportion to the earthly throne, and the cruel cross above, recall only too readily the humanity of Jesus.

The scheme of iconography in the Crypt church is a simple and beautiful one. It has three steps:

(1) *Promise:* God promised a Redeemer through a woman.
(2) *Fulfillment in Christ:* Our Savior was born of Mary.
(3) *Fulfillment in the Church* or the Mystical Christ.

The thought flows from the tiles of the west apse into the center apse, then up to the tiles of the east apse, to the altars of the east and west apses and ultimately converges on the main altar.

In the west apse, the theme is *Promise:* the all-powerful God, who is perfectly capable of saving men, promised a Redeemer. On the ceiling four prophecies are printed:

First is printed the prophecy of a new Eve which God made in the Garden of Eden: "I will put enmity between thee and the woman and thy seed and her seed" (*Gen.* 3:15). Moses, the author of Genesis, is pictured on one of the lunette windows. Likewise he is shown on a tile panel, himself a symbol of the Savior to come, saving his people by striking water from a rock in the desert. In a tile medallion, Miriam, the sister of Moses, is represented. She is a type of Mary, a woman associated with a savior, and also one who sings canticles to the fidelity of God.

A second text is from Isaias (7:14): "Behold a Virgin shall conceive and bear a Son. And His name shall be called Emmanuel." Isaias is pictured in one of the lunette windows, and the details of his vision are shown on a tile panel. This panel is adapted from a very famous fresco in the Catacomb of Priscilla showing the prophet Balaam in the presence of Mary and her Child. Balaam is pointing to a star. The prophet formerly was incorrectly identified as Isaias. From the end of the second century, this fresco shares with a neighboring fresco in the Capella Greca the honor of being one of the very first extant representations of the Blessed Virgin Mary.

A third text is from Jeremias (31:22): "For the Lord hath created a new thing upon the earth that a woman shall encompass a man." Jeremias is pictured in a lunette window.

Two tile medallions show two other types of Mary, Debbora and Ruth. Debbora was a prophetess and judge who acted with Barac and Jahel to achieve the defeat of the Canaanites. She was thus a liberator of her people. Ruth was a Moabite widow, daughter-in-law of Naomi, who out of fidelity returned to Bethlehem with Naomi. At Bethelehem she married Boaz and became an ancestor of David and of Christ.

Other tiles show the powerful Hand of God; Daniel safe in the lions' den, the three young men safe in the fiery furnace, Noah in the ark, Jonas coming forth from the whale. These subjects are favorite subjects of early Christian art. The Shrine tiles closely resemble the following: Noah, a fourth century fresco found in the Catacomb of Sts. Peter and Marcellinus; Jonas, as found in the second century Sacrament Chapel of the Catacomb of Callistus, or, among many others, a fresco of the Catacomb of Peter and Marcellinus; Daniel in the lions' den, a third century fresco from the Catacomb of the Jordani; The Three Young Men, a fourth century fresco in the Catacomb of Domitilla.

On other tiles are shown the great warrior Maccabeus, Malachy promising a clean and eternal sacrifice and a symbol of Christ as our hope. This last symbol is that of an anchor with pendant fish. This symbol was found on the second or third century sarcophagus of Livia Primitiva and again in a third century gallery of the Catacomb of Priscilla.

The lunette windows also show: Micheas, Ezechiel, Aaron, Gideon, Elias, John the Baptist and Simeon. The lunette windows, each six feet by four, are the work of Charles Connick of Boston, whose name is permanently connected with a glass known as Connick blue.

The fourth text in this west apse is from the prophecy of Simeon concerning Mary's part in the redemptive work of Christ: "And thy own soul a sword shall pierce, that out of many hearts thoughts may be revealed" (*Luke,* 2:35).

The theme of the north or center apse is *Fulfillment.* Four texts proclaim:

"And she brought forth her first born Son and wrapped him up in swaddling clothes" (*Luke,* 2:7).

"For this day is born to you a savior who is Christ the Lord in the city of David" (*Luke,* 2:11).

"And they found Mary and Joseph and the Infant lying in a manger" (*Luke,* 2:16).

"And she shall bring forth a son and thou shalt call his name Jesus" (*Matt.,* 1:21).

Three tile medallions show Mary with her child, St. Anne, who is Mary's mother, and St. Elizabeth, who is Mary's cousin.

The altars of this apse are dedicated to Christ as the Good Shepherd, to St. Joseph, to St. John the Evangelist, to St. Anne and to St. Elizabeth.

Four tile panels carry the idea of fulfillment forward by showing a brief biography of Christ, the Son of Mary:

(1) The boy Christ among the doctors in the temple.
(2) Christ raising to life the twelve-year-old daughter of Jairus.
(3) Christ raising Lazarus to life.
(4) Christ ascending into heaven.

The tile showing the raising of Lazarus repeats a fresco painted about the year 150 A.D. in the Capella Greca of the Catacomb of Priscilla.

Six lower tile panels expand the theme of Christ's life, but in a very interesting way. Combined with the mosaic of the central Good Shepherd altar they show the life of Christ as it appeared to the early Christians.

In our age, the most usual representation of Christ is that of Christ crucified. Yet, in the first centuries of the faith, references to the passion were very reserved and usually clothed in symbols. A jewelled cross might be shown without a corpus, but even such representations of the cross are late. One of the first clear presentations of the crucified Christ is on the fifth century cyprus door of the Church of St. Sabina in Rome. According to a recent authoritative work on the Roman Catacombs, in the catacombs, and indeed in the early centuries of Christianity, the most usual representation of Christ was as the Good Shepherd:

> The classical figure of the catacombs and of ancient art in general is the Good Shepherd. One does not have to walk far through the catacombs to run across this image. It appears much more frequently than any of the others. Styger has counted one hundred and twenty paintings and one hundred and eighty plastic representations of this figure. Very frequently it is found in the center of a decorated vault or in the lunette of an arcosolium. In most cases the Good Shepherd carries a sheep upon His shoulders. At times He is merely standing in the midst of His flock. For us, a shepherd with a lamb upon his shoulder is primarily the symbol of one who has the charge of souls, of the Saviour who goes in search of sinners and forgives them, just as Christ has told us in His beautiful parable (*Luke,* 15:1-7). But for the early Christians, the figure of the Good Shepherd contained much more than the mere narrative in our Lord's parable. As we know from the writings of the Fathers they associated it with a series of profound theological concepts which are not so current today when we think of the Good Shepherd. The Saviour as Shepherd is the Teacher who leads the faithful into the true pastures. He is moreover the great King who rules over His people. The office of shepherd as a symbol of royalty is found in the whole of classical antiquity. As early as Homer, Agamemnon appears as "shepherd of the people" (Il. 2.243). In the writings of the old Testament, God is represented even more properly as a Shepherd (*Isa.,* 40:11; *Ezech.,* 34:12). Thus in the guise of a shepherd carrying a lamb, Christ is to be understood as God, as the eternal Logos, and not merely in His historical epiphany as man. The lamb which the Shepherd carries is consequently not the individual sinner, though it is possible to think of the man or woman upon whose grave the figure happens to be found, but human nature which the divine Logos assumed, and in which all men are embraced. However, in order to appreciate more perfectly the deep significance of this picture, we must take into account the common notion in antiquity of the dangers which the soul separated from the body had to confront on its

way to heaven through the upper regions inhabited by demons. The divine Logos-shepherd, who carries mankind upon His shoulders, has redeemed men through His death and leads them home through every danger to the Father.[1]

One of the six lower tiles shows the Adoration of the Magi. This scene, represented eighty-five times in early Christian paintings and sculptures, is one of the most important scenes of early Christian art. Probably the earliest extant picture of the Blessed Virgin Mary is the picture of her in the Adoration of the Magi in the Capella Greca of Priscilla. This picture goes back at least to the middle of the second century. Another famous fresco of the Adoration of the Magi is in the Catacomb of Domitilla.

A second lower tile shows a person being baptized. The comparative size of the large minister and small person baptized relate this tile to the second century fresco of baptism in the "Sacrament Chapel" of the Catacomb of Callistus. This is regarded as the Baptism of a Catechumen. The presence of the hovering dove relates the tile to the fresco in the "Lucina Crypt" (second century) in the Catacomb of Callistus. This is regarded as the Baptism of Christ by John the Baptist. The Shrine tile is apparently a composite, illustrating the idea of Baptism as it might be applied to Christ or Christian.

A third lower tile repeats a second century (or early third century) picture from the Crypt of Lucina in Callistus. It shows the Eucharist as a large fish with a basket of bread and a cup of wine.

A fourth lower tile in the north apse repeats the most famous and perhaps the oldest of the Eucharistic banquet scenes of the catacombs; one found in the Capella Greca of Priscilla by J. Wilpert and called by him the Fractio Panis or breaking of bread.

The fifth lower tile again shows the Good Shepherd, this time with a sheep on his shoulders. This representation resembles closely the famous Good Shepherd on the corner of a sarcophagus from the Catacomb of St. Sebastian.

The sixth tile shows Christ as the victorious Lamb of the Apocalypse.

[1] *The Roman Catacombs and Their Martyrs,* by Ludwig Hertling, S.J. and Englebert Kirschbaum, S.J. (tr. M. J. Costelloe, S.J., Bruce 1956, pp. 181 ff.).

Complementing the idea of fulfillment in Christ, the lunette windows of the north apse show the evangelists and apostles of Christ: Sts. Matthew, Mark, Luke, John, Peter, Paul, James the Less, Stephen, Andrew and Philip.

The theme of the iconography of the east apse is the *Fulfillment* of God's promises of redemption *through the Holy Spirit,* Who overshadowed Mary, so that she brought forth a Son, who founded a Church through whom the Holy Spirit still pours forth His graces.

In this apse a single text is divided into four parts. Into the printing of the text are worked as ornamentation several dozen catacombal symbols. This text is that of Luke 1:35: "The Holy Ghost shall come upon thee and the power of the Most High shall overshadow thee: and therefore the Holy One to be born shall be called the Son of God."

Three tile medallions show Mary as Queen; Peter, the Head of the Church; and Paul, the great Apostle to the Gentiles.

Four lower tile panels show the Holy Spirit; first, as a fountain of life; secondly, as a Gate to Heaven; thirdly, as a Throne of Wisdom; fourth, as a fire of Divine Love. Each of these symbols also has an application to Mary.

Of the six lower tiles, one shows a stag, symbol of the Church or of a soul; another shows a dove, symbol of the Holy Spirit or of peace; a third makes graphic the text of this apse; it is a picture of the Annunciation, of the overshadowing of Mary by the Holy Spirit.

But the three key tiles that most clearly carry forward the iconographic scheme are those which copy catacomb scenes showing: (1) a Virgin consecrated to God, (2) Christ crowning martyrs, (3) Christ and the saints. A third century fresco in the Catacomb of Priscilla shows a virgin pronouncing her vows to an elder, and then the same virgin as an Orans—at prayer. In this triple composition, the Mother of God with Christ in her arms watches the consecrated virgin in her two attitudes. This composition is known to archaeologists as the *Virgo Sacra* of Priscilla.

Furthering the idea of fulfillment of God's promises of redemption through Mary's Son and through His Church, the lunette windows show some of the great doctors and teachers of the faith:

Sts. Athanasius and Cyril, John Chrysostom, Irenaeus, Augustine, Gregory, Jerome, Ambrose, Patrick and Columba.

The mosaics of the ten altars of the east and west apses are really an extension or elaboration of the tiles showing Christ with the virgins, martyrs and saints. Six of the altars are dedicated to saints mentioned in the Canon of the Mass: Sts. Agnes, Agatha, Cecilia, Perpetua and Felicitas, Anastasia and Lucy. Of the other four, one is dedicated to St. Susanna, one to St. Catherine of Alexandria, one to St. Margaret of Antioch and one to St. Brigid of Kildare.

The mosaic altar pieces of the fifteen altars are works of great beauty. They were executed by Bancel La Farge, brother of Father John La Farge, S.J., and son of Oliver La Farge. Against a background of gold, each mosaic shows a representation of the saint, a latin quotation appropriate to the saint, and two pertinent symbols. For example, the altar piece of St. Catherine of Alexandria pictures the saint. It carries the inscription: "Accipe coronam quam tibi Dominus praeparavit in aeternum." Above a jeweled cross it shows the martyr's crown of which the inscription speaks. The jeweled cross itself is a symbol of victory through suffering. A second symbol shown is a burning wheel, because St. Catherine was put to death by being broken on a wheel, which in turn was consumed by a fire from heaven. The altar of this chapel shows two symbols: first, the wheel as in the mosaic; secondly, an open book representing philosophy and literature, of which St. Catherine is patron.

The altars of the apsidal chapels are each of marble or onyx, ornamented with symbols of the saints to which each is dedicated. Between the altars are pairs of marble columns, each of a different color and beauty, brought from many places in the world. In all, there are fifty-eight columns, creamy white from Mexico, mica-starred black from Belgium, rose from Italy, and so on. Above the capital of each column is inscribed a part of the Magnificat or of the Hail Mary, or of the Salve Regina, or of the Memorare.

The beauty of the Crypt Church is best revealed to the priest who says Mass there at the main altar. As he walks to the altar, he passes beneath the Father and the Son to stand beneath the overshadowing Holy Spirit. As he ascends the three steps to the

altar, he sees in niches around the great golden block of onyx the figures of Christ and each of the Apostles.

The atmosphere in which he stands is one of concealment and mystery, of other-worldliness. Above him and about him are reminders of God. Before him, the great sacrificial block. Around him on silent tiles are promises of Mary, promises as old as Eden, promises of a woman whose heart was pierced with a sword and who was worthy to mother martyrs. Around him—in figure—are the Apostles—and Agnes and Lucy—and Joseph and John. But also around him, drawn into the light of these shadows and ornaments and silences and memories, are the people on the kneelers and the chairs, the people who shuffle and cough and are there with who knows what aspirations and heartaches and longings.

And so he takes up the burdens of those who are present, and his own, and he begins the mystery that goes beyond all churches to the bare hill of Calvary. Before the words of consecration, he says: "Communicating with, and venerating the memory, first of the glorious Mary ever Virgin, Mother of our God and Lord Jesus Christ; likewise of Thy blessed Apostles." One by one he names the apostles and calls upon each of them to stand beside him. After the consecration he asks that he, a sinner, and those with him, may be joined to Felicitas, Perpetua, Agatha, Lucy, Agnes, Cecilia, Anastasia and all the saints. He comes to the fractio Panis and the distribution of Bread. As was done in the catacombs, out of eternity the priest carries the Good Shepherd to His sheep.

He leaves the lonely altar and walks back through the plain and simple Crypt to the sacristy feeling that, as at every Mass, but here perhaps a little more vividly, he has just stood full in the midst of his own time and his own people and yet also in the midst of history and of eternity.

He understands why the main altar is called the altar of Our Lady of the Catacombs.

THOMAS J. GRADY

The National Shrine of the
Immaculate Conception
Washington, D. C.

NEEDED: AMERICAN THEOLOGICAL SCHOLARS

The journals of opinion have all pretty much agreed—since Monsignor Ellis fired up conversations on the point—that American Catholic scholarship isn't all it should be, or at least is not what it could be. In spite of some impertinences, the criticism that has risen from all sides has done more than clutter the air with alarums and *me-toos,* and it seems clear that the reader who takes an interest in such things now has a fairly good grasp of what the trouble is and what might possibly be done about it.

Yet one facet of the problem, it seems to me, has been curiously neglected, and I refer to the question of American Catholic theological scholarship. Apparently the assumption persists that our educational system has done well by the queen of the sciences and that the real challenge consists in getting Catholics to pick up the knack of developing and exploiting all other fields of knowledge. The tragedy of this assumption is that it simply is not so, and a look at the facts and some of the background behind the facts may help point out why.

If you should ask the average Catholic college grad what he thinks of the need for advanced research and study into theological problems he would probably tell you that he supposes such work is being carried on in the average seminary. He would undoubtedly be surprised to hear that, as a matter of fact, it is not, and that the Church, furthermore, has no intention that it should be.

Seminaries are—and I mean this in no disrespect—the trade schools of the priesthood, having been born into the cruel world of the 16th century in an attempt—a most successful attempt—to face the problem, as Philip Hughes writes, "which the medieval Church had never solved—and whose very existence it had never, seemingly, realized . . . The ancient, haphazard, hand to mouth, muddling along, as though a 'Catholic atmosphere' would, of itself, train the candidate to be a priest while, from a neighboring priest, he picked up the rudiments of pastoral theology, or, were he one of the lucky minority, got his theology from lectures at Oxford and Cambridge—all this was now to go."

The seminaries have done their job, all things being equal, in a creditable manner. They have instilled into their graduates whatever has been necessary for the adequate carrying out of the sacred ministry and lesser ecclesiastical tasks. But provision has also been made for students—whether studying for the priesthood or not—to follow sacred studies in a more intense and profound way, through scientific methods of investigation, with a view to a worthwhile growth of these studies once they have been inculcated. (The technical apparatus underlying this phase of theological study is set forth in the demands of the Apostolic Constitution *Deus scientiarum Dominus* of 1931 and the ordinances of the Sacred Congregation of Seminaries and Universities relative to it.)

Just what need is there, one could legitimately ask, for Americans to do more work in theology? If some great universities (Harvard and Yale, for instance) are spending millions, recruiting eminent faculties of divines, attracting scores of bright young men—all in a selfless attempt to contribute to the progress of the human family through research and development in theology —then is such activity merely the signal for the Catholics to dig in to try to score a run or two over them?

The danger here, not evident to the novice, is to equate the Catholic theologian—*qua* theologian—with his Protestant opposite number. It simply can't be done, for whereas the Protestant scholar may proceed from principles of his own and develop his own dogmatic as he sees fit within the more or less loose framework of the mystique (if there be such) adhered to by his denomination or his school, the Catholic theologian, priest or layman, must perforce and primarily direct his energies to showing how doctrine defined by the Church is contained in the sources of revelation in that sense in which it has been defined by the Church. The opinion of Catholic theologians is never decisive in knowing the truth; it is a factor always subordinate and in support of the *sensus ecclesiae*. But beyond this preoccupation with revelation itself, today's theologian, as Pius XII has pointed out on many occasions, should never relax his efforts to put on a scientific basis a whole series of questions which acutely affect our lives, questions such as those touching social relationships on every level, politics, ethics, law, etc.

There are always restraints beyond which the Catholic theologian cannot pass, yet within the four walls of these modern problems a cry for understanding can be heard which awaits help from humans trained and dedicated to their task. Thank God we have men in this country, fine theologians all, who are doing what they can in the great battle for the intellects, the souls of men. Their numbers, however, are fewer than they need be, and the *scholarly* theological journals they edit and publish can be easily counted—and we ought to blush for this—on the fingers of one hand. It is no secret that the majority of the world's great Catholic theologians are Europeans, while the Americans, to a large extent, are content to echo their ideas. There is neither need nor place for chauvinism in this matter, but there is need, it seems, for those blessed with surpassing material wealth to spend more of themselves in this important work.

What can be done about it all? For one thing here is need for more schools where qualified candidates can obtain recognized degrees in theology and do research. At present only a single school in this country, The Catholic University of America, opens its doors to laymen who wish to study theology for a degree. The bishops, it may be recalled, are free to send their men to Washington or abroad to Rome, Innsbruck, Louvain or a dozen other places for training and the seeking of that kind of wisdom—to be gained through contacts with thinkers of other cultural backgrounds—which cannot, by the nature of things, be easily obtained in one's own backyard. Our concern, however, need not be with such men. Rather it extends to those others, qualified priests and laymen alike, whose specific duties do not *demand* further training in theology but who would desire on their own to deepen their knowledge and help contribute to the development of theological science.

Some day, soon, it may be hoped, theological faculties can be supported in such centers as Boston, New York, Philadelphia and Chicago, where there are great libraries and where thousands of priests and laity live from whom one might confidently expect an annual crop of eight or ten well-prepared, interested "day-hop" theologians.

Obviously, quantity is no substitute for quality, but all things being equal, a larger number of students will inevitably bring

to light a larger number of scholars. The theological relationships inherent in whole constellations of problems sing aloud for us to come a-running. Dare we let them pass by, unsolved, without trying to do more about them?

JAMES J. MARKHAM

Manchester, N. H.

FIFTY YEARS AGO

The leading article in *The American Ecclesiastical Review* for December, 1907, entitled "Advent," is contributed by Dom H. Feasey, O.S.B., of Ramsgate, England. It is an interesting account of some of the customs prevailing in olden days during the season of Advent in preparation for Christmas. Some of these customs still survive, the writer tells us, particularly in northern England, such as the practice of bringing an image of the Holy Child to homes throughout the village and giving a leaf of holly to each person who will contribute a gift to the one bearing the statue . . . Fr. John Petter, of St. Bernard's Seminary, Rochester, makes a plea for congregational singing, by which he means the participation of the entire congregation in the Gregorian chant of the High Mass. . . . Fr. L. Dobree, writing from Italy, proposes an inspiring lesson for priests in the form of a short story entitled "Vengo subito.". . . From the pen of the editor, Fr. Heuser, comes an article entitled "Ecclesiastical Control of Religious Communities under Simple Vows." The author explains in particular the questionnaire which must be answered and sent to the Holy See by the superiors of such communities every three years. A copy of this questionnaire is printed in the Analecta. . . . Dr. James J. Walsh writes on "Parental Consanguinity and Defective Children." He believes that there is a much greater incidence of physical defects among children whose parents are closely related to each other than among others. He quotes Dr. Alexander Graham Bell's assertion that "deaf children occur more than three times more frequently in the families where the parents are related as nearly as first cousins than they do in those in which no such relationship exists. . . . nearly four times as many blind children born of cousin parents were found by the census enumerators as of parents who were not related.". . . Fr. John R. Fryar, of Leicester, England, describes some of the Christmas customs of medieval England. . . . Fr. John A. Ryan, of St. Paul, complains that not enough attention is given in the manuals of Moral Theology to problems of business ethics.

F.J.C.

THE RECORD OF AN AMERICAN PRIEST: MICHAEL EARLS, S.J., 1873-1937

IV

The introduction of Alice Brown suggests another aspect of Michael Earls' career: a friend and adviser of artists and artisans. His wide acquaintance in the Catholic literary circles is well known. He was known as "the parish priest for a generation to Catholic literary America."[1] This is an apt description and a wonderful tribute to the man, stressing as it does the motive and mission of his literary efforts and activities. The tribute will stand scrutiny, too, if one is inclined to challenge it. Some evidence has already been offered in this brief biographical sketch in support of his pastoral title. More can be offered, but I must be content with one more incident which happened before he was ordained and which strikingly illustrates his support of Catholic literary efforts.

Sometime during his course of studies (the exact year is not known but it was probably during his theological studies at Woodstock College) Michael Earls noticed the appearance of a new writer with a Catholic background. He did not know her, but that did not matter; he dashed off a letter of warm encouragement. The young writer, Kathleen Norris, soon after broke into the ranks of prominent novelists and remained there, but that first letter "like a hand held out to me on the uphill grade" was never forgotten.[2] Although the exchange of letters between them was slight, she always considered him a warm friend and he was always "Dear Father Michael" to her, and when the opportunity came years later she visited Holy Cross (in 1926) to lecture to his students and to acknowledge publicly the favor rendered while she was struggling for recognition. One letter from Earls or one meeting, by chance or planned, was sufficient to make a long,

[1] Francis W. Sweeney, S.J., "A Friend of Lou Guiney's," *America*, 80 (Feb. 19, 1949), 546.

[2] T. L. S., n.d., of Kathleen Norris to M. Earls, quoted with permission. In a letter to the writer, August 21, 1957, Kathleen Norris again recalled Father Earls' first letter and her visit to Holy Cross. Her lecture was reported in *The Purple*, 38 (Feb., 1926), 407.

usually a lasting impression, a warm acquaintance—and to kindle distant conversations. "John MacCormack was here two days, [and] we talked about you," wrote Mrs. Frances Chesterton, GK's wife.[3] The singer and the great writer's wife did not, of course, spend all the two days talking about Michael Earls, but, like a good conversationalist, Earls was frequently the topic, when he was not the center, of conversations.

His friends and his desire to help others were not, however, restricted to Catholics. No person was a stranger to him. No records remain of his spontaneous generosity and help to many—persons he met in a station while awaiting a train, on a train, or while walking along a Worcester street. He had, as a Worcester paper remarked in an editorial occasioned by his death: "a marvelous friendliness and generosity of spirit. He had a power for making friends, regardless of in what circumstances he met people, and was universally genial."[4]

It is not certain when his friendship with Miss Brown began. The exchange of letters (there are twenty-eight letters, most of them undated, of Alice Brown in the Earls Collection) began after 1920, after the death of their mutual friend, Louise Imogen Guiney, when Earls was busy collecting Guiney letters and manuscripts. He would naturally turn to Miss Brown, for she had long been a friend of Lou Guiney, had joined her on a walking tour in England during the summer of 1895 and had that same year co-authored with her a study of Robert Louis Stevenson; the following year Alice Brown dedicated her volume of poetry, *The Road to Castaly,* to her (Miss Guiney valued the dedication as "the finest compliment I ever got"), and then, as has been mentioned, wrote a fine study and appreciation of L. I. G. soon after her death. But Earls was known to Alice Brown long before they exchanged letters; Lou Guiney had told her about him.[5]

Alice Brown was also searching—not for letters although she gladly assisted Earls in his project—but for something she had found in Lou Guiney "who had become one of the certainties in a

[3] A.L.S., March 18 [1930], Palos Verdes, California to M. Earls.

[4] *Worcester Evening Gazette,* Feb. 1, 1937.

[5] In her A.L.S., Feb. 13, 1932, she wrote it had been a long time since she had "heard your name at close range, as it were, as I used to from L. I. G."

fleeting and tumultuous world." There is some evidence she turned to Michael Earls in her search. She was impressed by his cheerful, happy frame of mind. "Do you know," she wrote, "I think of you always as very happy, for you have the lovely atmosphere of that lovely place [Holy Cross] and your mind always singing to itself."[6] His ways with her were the same as with his Catholic friends, friendly, simple, unaffectedly spiritual. He had a custom of sending greetings by telegram on festive occasions. He greeted her by wire one Easter with a "Pax Christi to your dear heart and mind and Alleluia to your Easter joys. I remember you at the altar in my native village and God bless us all." Father Earls was well aware her search was for the peace of Christ. She asked if she could say "Pax Christi to you, though I am outside the walls?" And, again, she wrote: "I thank you for Pax Christi." There were no more visits and no more exchange of letters after 1937, when Earls died. Alice Brown was still "outside the walls" and, as far as we know, there she remained. But who knows what graces came at the last hours to one who had been remembered on Easter morn at the altar of St. Mary's in Southbridge.[7]

Andrew O'Connor's friendship with Earls is a better illustration of Father Earls' concern for others. Although they were of the same age (O'Connor was the younger by seven months) and grew up in the same area (O'Connor was born in Worcester), it is doubtful that the two met each other until the first World War when O'Connor, his reputation as a sculptor firmly established here and abroad, returned to this country from Europe, acquired an estate in Paxton, a suburb of Worcester, and allowed his studio to be a rendezvous for friends and strangers. Earls probably first met him at the studio, but unless he had forgotten his early manners he brought with him a proper introduction. They were kindred spirits, their Celtic temperament and artistic talents and genial wit attracting one to the other and they soon became steadfast friends.

[6] Father Earls was Superior of Manresa, South Norwalk, Conn., at this time (1931-33), but his friends could not disassociate him from the college and continued to post their letters to Holy Cross.

[7] Father Earls was not the only priest who was praying for her. Father J. M. Lelen of Falmouth, Kentucky, was also a close friend. Ten letters and nine postcards of Miss Brown to Lelen are in the Alice Brown Collection in Dinand Library.

Andrew O'Connor had lived a life Earls had dreamed before his own vocation had been settled. Like Earls, he was the oldest in a family of six, but Andrew O'Connor, senior, was a man of some prominence in Worcester, a sculptor who provided the well-to-do of the city and county with rather excellent busts and statues of themselves and had won some recognition on a national scale by his Civil War memorials. Andrew, junior, learned the art of sculptoring in his father's studio and was soon conscious of his own unique talents. He left Worcester when he was sixteen and by the time Earls was enrolling at Holy Cross, O'Connor had studied and worked in Chicago, New York (where he was the pupil of French) and London (where he was the pupil of Sargent); by the time Earls had graduated from college, O'Connor had exhibited his "Sea Dreams," a relief of a head, in the London Royal Academy and had received high praise for the work. The wonderful bronze doors he created for St. Bartholomew's in New York won him fame in this country, and his creative talents elicited from Saint-Gaudens: "Ah! this man is in a class apart, by himself."[8] But much as Earls was tempted to envy O'Connor's fascinating career, he would not exchange his room in O'Kane for the studio of this fabulous man with touseled hair, ready wit, engaging smile and quick temper. For Michael Earls had the Catholic faith and Andrew O'Connor did not.

O'Connor, unfortunately, had not inherited the faith of his Irish-born father, because somewhere (we know not when nor where, but one of those unfortunate clashes between priest and parishioner is suspected) O'Connor, senior, had abandoned the practice of his faith. It was a blessing for the father that his son became acquainted with Michael Earls, for before the father died in 1924 he had, with the help of Father Earls, returned to the fold. For this the son was sincerely grateful. "We are all happy [he wrote from Paris on learning of the reconciliation] you saw my father and that he's at peace with the Church. He suffered greatly."[9]

[8] William Walton, "Andrew O'Connor, Sculptor," *Scribner's Magazine*, 55 (May, 1909), 637.

[9] A.L.S., O'Connor to M. Earls, June 28, 1924. The implication of this remark is that his father's great suffering derived from his estrangement from the Church. The break most likely followed the European trip of the 1870's when the father, accompanied by his wife and young Andrew, went

As yet no definitive study of Andrew O'Connor, the first American to receive the first prize for sculptor from the Beaux Arts Salon and the first American to have a statue placed in the National Gallery, London, has appeared.[10] One could not do it without consulting the letters of O'Connor to Michael Earls, his friend, probably his best friend in this country. Although he retained his studio in Paxton, commissions compelled O'Connor to spend much of his time abroad, in Italy, France, Spain, England (late in 1929 he wrote he would be busy in Spain "for at least another year" and then in England "for some time"), and Ireland. Michael Earls became his one solid link in America and a talk with Earls was one of the anticipated pleasures of a return to America. From Florence early in 1923 he wrote Earls he was eagerly looking forward to seeing him again. His statue of Peace for the Hague (paid for by the American government through the American Fine Arts Commission) occupied much of his mind and time during this year. Details irritated him, art commissions confounded him, and he frequently lost his temper. He told Earls, in the spring of 1924, of his many troubles with the State Department over the Hague statue, begged him for his blessings and told him he was longing to see him again.

He kept Earls posted on the progress of his commissions. The work at La Rabida Convent where Columbus spent the last night before sailing was at last completed, he wrote in the fall of 1929, and in two or three months "The Lincoln for Providence" (the best of his Lincoln statues) would be finished. This latter commission brought him back to Paxton for the spring and summer of 1930, and seeing Father Earls "was perhaps the happiest event for me—of all." Although he never lacked for commissions he sought Earls' influence to get commissions of works he was most anxious to do, such as the Father Duffy Memorial in New York.

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abroad to study in Rome, France and England. While in Rome he made a bust of Bishop Patrick O'Reilly, the first bishop of Springfield, Mass. The bust, carrying the inscription "A. O'Connor Sc. Rome 1876," is now in the Art Museum of Dinand Library. The presumption is that O'Connor, senior, was at this time on friendly terms with the Church and that Andrew, junior, was baptized a Catholic.

[10] For a contemporary appreciation of O'Connor's works when he achieved international fame, see Helene Desmaroux, *L'oeuvre du sculpteur O'Connor, ovrage illustre de cent-quinze réproductions* (Paris, c. 1927).

With Earls' help he got it—only to return the contract when a member of the Art Commission questioned his plans—"one of my best pieces of architecture." O'Connor was tireless in thanking Earls' for his friendship and his help: "my thanks for the hundreds of kindnesses I owe to your friendship." In return he expressed his thanks in gifts; in 1922, on the eve of his departure for Europe, he gave Earls one of his early works for the college, a small marble of the Crucifixion, a symbolical representation of Sorrow.[11]

Early in 1934 O'Connor sent Earls a photo of his "Descent from the Cross," a recent work made for London's National Gallery. Earls' disposal of this photo is a clue to his character. He sent it to Eugene O'Neill. Earls did not know the playwright, but he had noticed with considerable satisfaction the unexpected change in O'Neill's recent plays, first "Ah, Wilderness" and then "Days Without End." He caught the meaning of the latter play, was gladdened by it, and the photo arrived while he was discussing the play by correspondence with his friend R. Dana Skinner, the dramatic critic of *The Commonweal*. Skinner knew O'Neill well and from him Earls learned the full significance of this play. Skinner had read the play in manuscript and had discussed it several times with O'Neill. "I can assure you," Skinner wrote Earls, "that the play was written not only with the utmost sincerity but only as a result of a terrific interior and personal struggle on O'Neill's part."[12]

The play was, then, autobiographical. Earls hoped it meant the return of O'Neill to the Church, and Skinner gave the hope substance. Both worked furiously (with not much success) to arouse Catholic interest in and support of the play; a good reception in the form of full houses in New York was needed after its opening in Boston where it was better received by the audience than by the critics. But the New York critics (Skinner was convinced they knew the import of the play) were merciless. Earls decided to write O'Neill, telling him how much he liked the great play, and he enclosed the photo of O'Connor's "Descent," prompted by the play's final scene where John Lossing, kneeling before the figure of Christ on the Cross, regains his faith. O'Neill was pleased and

[11] This work is also in Dinand Library's Art Museum, along with his father's bust of Bishop O'Reilly.

[12] T.L.S., January 11, 1934, of Skinner to Earls.

gratified by the letter, "deeply gratified," the more so because a hostile and prejudicial New York reception by the critics would force the play to close at the week's end. The play closed as O'Neill predicted; O'Neill's own spiritual struggle did not end as Skinner and Earls had fervently hoped. We must await the findings of his biographers to know what happened in this spiritual crisis of the great dramatist.

* * * * *

Alice Brown and Andrew O'Connor were only two of a legion of friends who were grieved by the news of Michael Earls' death on January 31, 1937. There were no known warnings of ill health; although he was in his sixty-fourth year, there had been no noticeable slackening of the pace he had set as a youth. He was anticipating the celebration in June of the silver jubilee of his priesthood. Since the summer of 1935 (having completed his *Manuscripts and Memories*), he had been devoting much of his time, as Faculty Director of the Alumni Association, to the alumni of the college. This demanded considerable traveling and talking, both of which were agreeable tasks.

He had not been, however, in the classroom as a regular professor since June, 1931. New assignments had at first reduced his teaching load and then had compelled him to give up teaching. But the new assignments only increased his activities. In the summer status of 1927 he was appointed administrator and vice-president of the college; he was also placed in charge of the campus and began immediately to landscape the grounds. The office of vice-president gave him the opportunity of playing host to the visitors to the college and the community and this he did in a masterly fashion, but this office also called for continual regard for details, small in themselves but important to a community, which could not be regulated from Baltimore or Cincinnati. He cannot be rated an able administrator; his rank would be close to the one he got in senior philosophy in college. The next year he was appointed Faculty Director of the Alumni and was asked to launch their organization's new magazine: *The Alumnus*. He remained director of the extra-curricular lectures and concerts for the students. Thomas A. Daly, a visiting lecturer during the winter of 1930-31, found him to be one of the busiest men he knew; Michael

Earls was, he said, vice-president of the college, "and besides that he teaches English literature, plants trees in the college grounds and cares for them, and is official welcomer of visiting celebrities, near-celebrities and plain mendicants." Besides being busy, Daly added, he was one of the "kindliest and most versatile men we know."

The school year of 1930-1931 was his last in the schoolroom. In a post-status change he was appointed Superior of Manresa, a Jesuit residence in South Norwalk, Connecticut, and although this change did allow him more time for his memoirs and other writings (the bibliography of his writings show that these were productive years), he must have considered his three years at Manresa and a year as a parish priest at St. Mary's in Boston's North End as an exiling. The physical separation from Mount St. James must have been painful, dulled though it was by frequent visits to the campus. Indeed, one gets the impression friends thought Manresa was his summer residence. But he was mighty glad to resume permanent residence at Holy Cross in the summer of 1935 and he threw himself into alumni activity.

He was on one of his frequent alumni trips when the fatal heart attack came. He spoke at the annual dinner of the New York alumni and had train reservations to Akron, Ohio, for the evening of Sunday, January 31. He was staying at St. Ignatius' residence on Park Avenue. After saying his Mass Sunday morning he attended High Mass and the Gregorian music reminded him, he told a friend, of his visit to Rome when a student. After lunch he went to the community room and had the members of the community in gales of laughter. He left the residence in good time to board the westbound train. Then death came suddenly. He suffered a heart attack as he boarded the train; he was dead by ten-twenty-five that evening.

The remarkable career of a picturesque priest had ended. It is difficult to remark on the import of his career. The good he did, freely giving what he had freely received, will not be found chronicled in books, surely not in his own books. The obituaries, written while the impact of the man was still fresh, attempted to sum him up. They recalled his poetic talent, his dedication to a college, his spontaneous generosity and enduring geniality, his love of grandeur and of his native village, his cultured and cultivated manners with

everyman, mendicant and moneyed. One editor confessed he always found it "difficult to realize such a man had risen from very humble surroundings." Michael Earls had no difficulty in realizing it and would have disagreed with his editor-friend; the view was too much akin to the discarded Yankee assumption that wealth begot wisdom. Perhaps the significance of his career will be found in the assist he gave in discarding the assumption. It was difficult to place much credence in the old view after seeing Michael Earls, a son of Irish immigrants, a priest, as Catholic as Rome and as American as a Lowell or a Cabot, presiding at the centennial of a New England town.

Michael Earls had no literary executor. He does, however, have a memorial at Holy Cross. A friend commissioned Charles Jay Connick to design a stained glass window which would tell others the source of his charity and joy of life and childlike simplicity. The window will be found in the east foyer of Dinand Library, a beautiful one representing the Blessed Virgin as *Mater Sapientiae,* holding the Christ Child and an open book and flanked by the Archangels Gabriel and Michael.

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Answers to Questions

RELEASE OF THE AMNIOTIC FLUID

Question: If a pregnant woman is gravely endangered because of the excess of amniotic fluid (hydramnios), is a surgeon permitted to pierce the membranes and release the fluid, even though there is almost always an abortion?

Answer: Usually the condition described by the questioner occurs only toward the end of the term of pregnancy, when the child has become viable. In such a situation there is no moral difficulty about the operation in question, because the expulsion of the child is a premature birth, not an abortion. However, in about one-sixth of the cases of hydramnios, the critical condition arises while the fetus is still non-viable; and the problem centers about the fact that when the amniotic fluid is drawn off, the abortion of the fetus almost invariably follows, with the immediate death of the child. The question arises then, whether in view of this unfortunate consequence, the operation in question can be permitted. Obviously the problem visualizes a situation in which the life of the mother is in danger—for example, from an imminent hemorrhage—and the only procedure that will save her is the release of the fluid.

According to some theologians—the majority, it would seem—the operation in question is a direct attack on the fetus, and consequently never permissible, even to save the mother's life. The principal argument of these authorities is thus presented by Father McFadden, O.S.A.:

> While it may not be strictly accurate to say that the amniotic membrane and fluid are part of the fetus, it does seem that they belong more properly to the fetus than to the mother. It would seem that Nature has created them specifically for the temporary vital needs of the fetus. Furthermore, there is no absolute guarantee that labor will follow the puncturing of the amniotic membrane. If labor does not supervene, a very severe risk to the mother's life may be created. This writer, therefore, regards a perforation of the amniotic membrane and a release of the fluid, with the resulting death of the inviable fetus as an

act of direct abortion and never morally permissible . . . Generally speaking, the amniotic fluid is needed for the continued life of the fetus, just as truly as air is needed for the life of man. To deprive the fetus of the amniotic fluid is just as truly a direct attack on its life as is depriving a person, by smothering, of the air necessary for life. Both acts are direct attacks on life, even though neither the amniotic fluid nor the air are part of the human person (*Medical Ethics* [Philadelphia: Davis, 1953], p. 197).

However, other theologians believe that in a critical condition of the mother it is permissible to release the amniotic fluid, even with the certain loss of the non-viable fetus. They argue that this is a legitimate application of the principle of the double effect. The argument for this side is thus presented by Father O'Donnell, S.J.:

In spite of contrary opinions on the part of some of the older classical moralists, as well as a number of more recent writers, we adopt the answer defended by many moralists of no little authority; namely, that membrane puncture in these circumstances does fit within the framework of the principle of double effect, and that the subsequent abortion is indirect and can therefore, under the proper conditions, be permitted in practice. . . . Those moral writers who contend that the procedure is illicit seem to do so mainly because they claim that to rupture the amniotic membrane before viability is to perform an act which is, as they say, "of itself destructive of the fetus." But it is difficult to see how this act is, of itself, any more destructive of the fetus than is the removal of a uterus with a fetus *in situ,* as is sometimes done in the surgical correction of cancer of the cervix. It is not enough to refer to an act as immoral because it is "of itself destructive of the fetus." One must rather say "destructive of the fetus and placed precisely as destructive of the fetus," before the act can be called, of itself, immoral. The membrane puncture in this case is not performed "precisely as destructive of the fetus, but as a means of relieving a pathological excess of amniotic fluid," which it does irrespective of whether spontaneous abortion ensues or not (*Morals in Medicine* [Westminster, Md.: Newman Bookshop, 1956], pp. 139 f.).

Father Damen, C.SS.R., accepts this latter opinion. He says:

It does not seem evident that the amniotic fluid is a vital element of the fetus; and hence that the puncture as such is to be regarded as a lethal wound. Moreover, the release of the fluid is not intended as the cause of the abortion of the fetus, as is the case in a direct abortion, when the abortion itself is a means to save the mother, but the release of the fluid is intended only as a means to reduce the volume of the

womb; when that is done, the mother would be saved, even though the fetus remained in the womb (*Theologia moralis* [Turin: Marietti, 1950], I, n. 583.).

I believe that this latter view—that the operation is morally permissible when the condition of the pregnant woman calls for it—is sufficiently probable to follow in practice, even when it is certain that the abortion of a non-viable fetus will follow. It should be added, however, that a times it is possible to drain off a portion of the fluid, so that the mother is sufficiently relieved, while there is a chance that the child will survive. Father Davis, S.J., states that "it is possible to pierce the womb below the sternum, the woman being seated or standing, and draw off sufficient fluid" (*Moral and Pastoral Theology* [London: Sheed and Ward, 1946], II, p. 190). If such a procedure is possible, it must be followed in preference to one that is sure to cause abortion.

THE CROSS AND THE MASS

Question: Can we say that the Mass is the *same* identical sacrifice that took place on Calvary, miraculously perpetuated on the altar without any intervention of time?

Answer: We can say that the Mass is *substantially* the same sacrifice as the sacrifice of the Cross *(idem quoad substantiam)*, which means that in both there is the same Victim and the same principal Priest, and both produce the same effects (though the Mass only applies the fruits of Calvary). But the sacrificial action is surely different. Indeed, if the *same* sacrificial action took place in the Mass as took place on Calvary, we should have to say that the Mass is a bloody sacrifice in which Christ really dies. Suarez clearly points out the numerical distinction between the Mass on the one hand and the Last Supper: "These sacrifices differ at least in number; for those things which consist in an action, if they take place at different times, both morally and physically distant, and from different causes, and in regard to different matter and in different places, must necessarily be distinguished in number; but in this manner these sacrifices are compared, for they consist in an action, and between them that entire diversity is found. Hence, it is not sufficient that the thing principally offered is substantially the same in number to bring it about that these sacrifices shall not

be distinct in number. In fact, in our sacrifice, many Masses are numberically distinct sacrifices. . . . therefore, much more is there a numerical distinction between the sacrifice of the Supper and our sacrifice." Suarez then discusses the question of the distinction between the Sacrifice of the Cross and the Mass, and briefly states: "In respect to the numerical distinction there is no reason for doubting, as is evident *a fortiori* from what was said in the previous conclusion." (*De SS. Eucharistia.* disp. 76, sect. 1.)

MUTUAL AGREEMENT ON USE OF RHYTHM

Question: It is sometimes stated that a couple may not lawfully practice Rhythm unless both agree to this practice—in other words, if one party demands the marriage rights in the course of the fertile period the other must yield. Now, I wonder if this condition must always be present. Since there are instances in which one party may entirely refuse intercourse to the other, it would seem that in such cases a partial refusal—that is, limitation to the sterile period—would be permissible.

Answer: Our questioner has reasoned correctly, at least as far as most of the cases in which a total refusal is justified are concerned. If a married person is entitled to refuse the other all use of the conjugal rights, then ordinarily, as an *a fortiori* conclusion, he or she may refuse those rights at certain times and grant them at other times. Thus, if a woman has been informed by a reliable doctor that another pregnancy may prove fatal, she is justified in denying her husband all sexual union. If, however, she wishes to give him the marital right only in the sterile period, she may do so. In view of these facts, priests must be careful not to lay down absolutely as one of the conditions for the lawful use of Rhythm the mutual agreement of the couple. However, there is at least one case in which this *a fortiori* argument may not be used—the case of the married person who is entitled to refuse conjugal intercourse to the partner because this latter has been guilty of adultery (Can. 1129, § 1). If the fact of adultery is the only reason for the refusal, the voluntary readmission of the guilty party to marital coition at any time is to be considered a condonation (Can. 1129, § 2), and the guilty party subsequently has the same rights in regard to sexual relations as if he had not been guilty of the act of

adultery. In other words, the innocent party may not give a partial condonation, even though he or she may give a refusal that is total and permanent.

THE PURPOSE OF AMENDMENT

Question: I have heard this procedure suggested to confessors for the treatment of a penitent strongly addicted to some bad habit, such as masturbation: Do not require him to have the purpose of giving up the habit permanently. Tell him to limit himself to the purpose of abstaining from it for one week only, and then demand a promise that he will return to confession in a week. May this procedure be lawfully followed by a confessor?

Answer: In order that a person may receive the sacrament of Penance fruitfully, he must have the purpose of not sinning (at least mortally) again—in the words of the Council of Trent, *propositum non peccandi de caetero* (*Denz.*, n. 897). This means that he must here and now have the will to endure all evils rather than again commit a mortal sin. It does not mean that he must be certain that he will not in future change his mind and sin again. On the contrary, he may regard it at least as probable that this will happen. But, as far as his present dispositions are concerned, it is necessary that he have the firm purpose to give up mortal sin forever *(de caetero)*, and not merely for a limited time. Hence, if a penitent has the purpose of giving up mortal sin for a week only, he lacks one of the requirements for a fruitful confession. This is very evident, of course, if his intention beyond the limited period is a positive intention of committing sin again. But even if he is neutral in his purpose regarding his future life subsequent to the limited time he lays down for himself—that is, even if he has neither the purpose of sinning or of not sinning—he is indisposed. He must have a positive resolution of giving up mortal sin forever.

The confessor may indeed—once he has sufficient assurance that the penitent has the requisite purpose *non peccandi de caetero*—recommend that he concentrate his efforts on avoiding the repetition of the bad habit for a week, without concerning himself explicitly with the weeks and years ahead, but trusting in God's help. However, this is a very diffierent attitude from the definite purpose of avoiding sin for a single week.

FRANCIS J. CONNELL, C.SS.R.

Book Reviews

DISCOVERY IN THE JUDEAN DESERT. By Géza Vermès. New York: Desclee, 1956. Pp. 237. $5.00.

This is a translation of the third edition of the French original which was published in 1953. When it first appeared this book was well received by scholars, and the English version has retained all the valuable features of the original: a clear discussion of the archeological discoveries, an analysis of the Qumran community and their beliefs, a theory concerning their history, and a translation of several of their documents. The third edition is somewhat up to date by reason of twenty pages of "supplementary notes," which analyze and translate portions of the War Scroll and the Thanksgiving Psalms that were fully published only in late 1954.

The characteristic of this book is interest in the Qumran sect in and for itself. Father Vermès does not take up the more exciting topics of the relationship of the sect to Christianity, nor does he dwell on the importance of the biblical fragments and scrolls for Old Testament textual criticism. His concern is to identify the sect, describe its history and beliefs. As Fr. Vermès sees it, the community was born in the Maccabean era, sometime between 200 and 170 B.C. The Teacher of Righteousness began his work during the Maccabean revolt against Antiochus Epiphanes (165 B.C.), but he and his followers were disillusioned by the political ambitions of the Hasmonean line. Thus Jonathan Maccabee is the "wicked priest" who turned from good to evil, and the Hasmoneans from John Hyrcanus to Aristobolus II are the "last priests of Jerusalem," according to the language of the Habacuc commentary. The Teacher of Righteousness died, whether violently or not, between 142-134 B.C., during the pontificate of Simon Maccabee. It was probably at this time also that the community transferred to Damascus, and the first literary works appeared: the Damascus Document, Habacuc Commentary and Thanksgiving Psalms. After returning to Palestine, they remained outside the pale of Jewish society (now dominated by the Pharisees) and were henceforward known as Essenes.

Vermès is not alone in this reconstruction of the history of the Qumran Essenes, but due to the obscure references in the sectarian documents, it remains only a plausible theory. For example, others place the Teacher of Righteousness in the period of Alexander Jannaeus

(103-76 B.C.), especially on the strength of the Nahum commentary published in 1956 (too late for consideration in this book). Still others have dated this mysterious figure to the Roman period in Palestine (63 B.C.). The question is still open.

The second part of the book contains a translation of two scrolls which throw most light on the community: the Habacuc commentary and the Manual of Discipline. The Damascus Document (fragments of which were found in Cave 6) is also translated. The English translator, who is not identified, states that he controlled the translation in the light of the original Hebrew and Vermès' French version. This annotated translation is a valuable feature of the work, for it enables the reader to judge for himself the history of the sect.

There are several good illustrations; it should be noticed that the map locates only five caves, but the Qumran caves that have yielded up ancient documents and fragments now total eleven (cave 11 was discovered in the spring of 1956). This work is to be warmly recommended to all who desire a more serious knowledge of the Essene sect, their history and way of life.

ROLAND E. MURPHY, O.CARM.

MATTERS LITURGICAL: The *Collectio Rerum Liturgicarum*. By Joseph Wuest, C.SS.R. Translated by Thomas W. Mullaney, C.SS.R. Rearranged and enlarged by William T. Barry, C.SS.R., S.S.L. Ninth Edition. New York and Cincinnati: Frederick Pustet Company. 1956. Pp. 1171. $7.00.

This splendid book has come a long way since the first edition of its Latin original issued from the press in 1889. Through the years it has been one of the handiest and most complete aids for the priest who is seeking exactness in rubrical detail. Hence it was that a hearty welcome greeted the thoroughly revised and greatly expanded eighth edition of the English translation when Father William T. Barry made it available toward the end of 1955. Unfortunately, however, the publication of this eighth edition was almost simultaneous with the appearance of the Decree concerning the Restored Holy Week Ceremonial. A small leaflet was immediately issued as a supplement carrying the burden of the new Decree, but the boast on the jacket that "This edition therefore brings *Matters Liturgical* up to date, as of Jan. 1, 1956" was nevertheless rendered somewhat inaccurate and illusory.

Now we can rejoice that a ninth edition has appeared in which the entire section from n. 499 to n. 504 (a little over 42 pages) has been

rewritten to correspond to the new Holy Week legislation. Although this latest edition met something of its predecessor's difficulty by slightly antedating the new legislation regarding the Eucharistic fast, the recent changes are so simple and brief that the book can be brought up to date by the addition of a few marginal notes.

Father Barry has done his work with extreme care and precision. He has, for example, not only given us the matter of the new decrees most exactly but he has not overlooked the Responses given by the S.R.C. on October 17, 1955, and on November 3, 1955, to *Dubia* raised by the Decree of March 23, 1955, on the Simplification of the Rubrics of the Breviary and Missal. Hence he tells us that the Preface of the Cross is not proper to the Mass of Christ the High Priest; that the Preface of the Nativity is not proper to the Masses of the Blessed Sacrament (a point to remember for your Forty Hours) or of the Transfiguration; and that the Preface of the Apostles is no longer to be used as proper to the Mass of a Pope (n. 232, b, d). It might be added that he also tells us that the Preface of the Apostles is not proper to the Mass of an Evangelist, but Bugnini (Eph. Lit.: LXX, p. 270) holds that, in view of the close connection the Church has observed between Apostles and Evangelists, giving them the same Common, the Preface of the Apostles would seem to be still proper for Evangelists. This opinion is supported by the usage of the *Ordo* of the universal Church printed in Rome; there we find that Pf. App. indicated in the Masses of St. Mark and St. Luke.

Father Barry might well have cited, in n. 216, Response XIX (Nov. 3, 1955) regarding the *Oratio imperata pro re gravi:* "The ternary number is never to be exceeded; (when the rubrics already prescribe three orations) the oration prescribed by the Ordinary *pro re gravi* is said in place of the third oration." This problem still vexes many.

Although *Matters Liturgical* does not pretend to be a handbook of ceremonies, a number of ceremonies are given in great and most accurate detail. Benediction, for example, a rite which is seldom performed with complete correctness in spite of the precise description of it to be found in the *Decreta Authentica S.R.C.,* is here given in detail (n. 412). Individual ceremonial actions, such as reverences, incensation, etc., are likewise carefully explained.

The arrangement of the recent expanded editions departs considerably from the order of treatment in the earlier editions. Under five main headings: Sacred Places, Sacred Things, Sacred Rites, Sacred Times, and Indulgences, the matter is distributed through nine parts. Seminary professors who have used the earlier editions as supplementary texts in their classes in liturgy and rubrics may regret the omission,

in these latest revisions, of the old introductory chapter which discussed such general topics as liturgical laws (with a list of the liturgical books) and their binding force, customs, etc., but there are very few rubrical questions to which an answer will not be found in the present edition.

The ninth edition makes *Matters Liturgical* a better and more useful book than ever. It should be in the library of every priest and often in his hands. We wish the price were somewhat lower but the investment is most worthwhile.

JOHN P. MCCORMICK, S.S.

THE CATHOLIC THEOLOGICAL SOCIETY OF AMERICA: PROCEEDINGS OF THE ELEVENTH ANNUAL CONVENTION. New York: The Catholic Theological Society of America. 1956. Pp. 294. $3.50.

With the beginning of the second decade of its existence, the Catholic Theological Society of America has good reason to rejoice in the progress it has made, through the assistance of Divine Providence, since its inception in January, 1946. Its membership has increased to more than 600, its annual meetings have given the theologians of our country an excellent opportunity for scholarly discussions, smaller regional meetings throughout the year have become a regular procedure, and the published accounts of the annual meetings, containing the papers read at these gatherings, constitute a definite contribution to the science of theology.

The most recent volume, containing the proceedings of the meeting of the Society at Cleveland in June, 1956, contains eight papers or accounts of discussions covering a wide range of topics. Father James Egan, O.P., writing on "The Sacramental Grace of Matrimony," describes this grace as "A modification of sanctifying grace in the souls of the spouses, elevating their natural inclinations to each other and giving them a supernatural ordering to the virtues and operation that will perfect their union." He proposes the opinion that the sacrament of Matrimony "remits the temporal punishment due to all sins of the couple being married that have been committed against the good of Matrimony—solitary sins, for example, sins with others, sins with each other during courtship."

Father J. Spitzig contributes a paper on "Suitable Penances for Different Classes of Penitents." He complains that "there seems to be little or no attempt to fit the assignment of penance to the quality or kind of sin, and a rather thorough abandonment to the assignment of

a series of prayers." He suggests that there be a greater effort on the part of confessors to choose the penance with a view to its remedial benefits for the particular penitent. Thus, with reference to a youthful penitent guilty of sins of impurity, he says: "Some form of denying the food and drink appetite will not only develop the virtues of abstinence and sobriety but also that of chastity."

An interesting paper on a topic of current interest is contributed by Msgr. John J. Voight, of New York, under the title "Moral and Spiritual Values in Public Education." Msgr. Voight has been active in the movement to introduce some form of instruction in religious and moral principles into the public school curriculum. He narrates the history of the movement in New York City, and concludes: "We are convinced that we have a serious responsibility to assist public education whenever it sincerely and honestly tries to provide, within the framework of its organization and the consequent limitations involved, a program which will bring God and His moral law into the various subjects of the school curriculum."

Rev. William Hill, O.P., contributes a paper on the relation of the Holy Eucharist to the threefold power of the Church. A lengthy discussion conducted at the meeting is appended, mainly centering around Father Hill's statement that "the Church in producing the Eucharist produces herself." The subject of "The Theological and Psychiatric Aspects of Habitual Sin" is treated by Father Duhamel, S.J., and Father Jerome Hayden, O.S.B. Both agree that in the case of those who are addicted to some bad habit it can frequently happen that there is no subjective guilt.

Father T. Coyle, C.SS.R., writing on "Motives for Mortification," examines in detail the doctrine of Father John Hugo, and disagrees with him on certain points, especially as to whether a person can retain a natural love for a creature while directing it ultimately to God through supernatural charity. Father Coyle holds that "morally good natural motivation may continue to influence our activity as at least a secondary and impelling motive subordinated to the supernatural end, as long as it does not restrict the generosity of our love for God." Father Hugo (who was present at this session) holds that "to love creatures out of affections for creatures other than utility or necessity is at least a moral imperfection." Father Hugo's last statement, as recorded in the account of the discussion, is: "It would be morally imperfect for Christ to love His Mother as His mother."

Father F. Keating, S.J., writing on "Theology of the Laity," the part which the lay person takes in the Mystical Body, tells us that this is an important area of theology, "and if theology is to fulfill its glorious

task of discovering, ordering and illuminating divine truth, it cannot neglect this portion of its total enterprise."

The final session of the Society's meeting featured a discussion between Father John C. Murray, S.J., and Father Eugene Burke, C.S.P., on "The Thesis Form as Instrument of Theological Instruction." Father Murray argues that the use of the thesis form is likely to lead to formalism, the crippling or killing of theological inquiry and understanding, and also to the neglect of historical inquiry. Father Burke defends the thesis form in the study of theology as best emphasizing the supreme importance of the magisterium of the Church in the pursuit of theological knowledge.

The presidential address by Father Augustine Hennessy, C.P., on "Charity and the Pursuit of Wisdom," which terminates the volume, is an exhortation to join love with theological knowledge. "Charity in the saints was the driving force behind all their works, and in none more so than in their works of theology. If to this science there is attributed all that by which most wholesome faith is begotten, nourished, defended and strengthened, it must never be forgotten that 'fides saluberrima' is faith, vivified by love."

To every seminary and Catholic college, as well as to all priests who wish to keep up with current theological thought, this volume is urgently recommended.

FRANCIS J. O'CONNELL, C.SS.R.

THE DYNAMICS OF WORLD HISTORY. By Christopher Dawson. Edited by John J. Mulloy. New York: Sheed and Ward, 1956. Pp. xi + 489. $6.00.

In the new emphasis on "philosophic" history which seems to date from Spengler's *Der Untergang des Abendlandes,* and more recently, from the publication of Toynbee's *A Study of History,* no writer has presented the Augustinian view of history with greater clarity or skill than Christopher Dawson, once called by Aldous Huxley for his scholarly objectivity an "intellectual ascetic." As Dawson points out in one of his most interesting essays, "The Christian View of History," covering terrain examined by such non-Catholic figures as Shirley Jackson Case, Herbert Butterfield, and the late R. G. Collingwood, this Augustinian viewpoint necessarily involves theology, and involves Revelation in the same sense in which a "philosophy of life" involves more than philosophy.

This synthesis reminds one of Daniel A. O'Connor's capable study, *The Relation Between Religion and Culture,* published in 1952, a study that explored Dawson's conviction that "every living culture must possess some spiritual dynamic which provides the energy necessary for that sustained social effort which is civilization." The Mulloy synthesis, however, is not so limited in its scope. The editor feels that Dawson's efforts to trace the development of Western culture, and to assign reasons for the contemporary crisis, are well known. He is concerned with bringing neglected areas of Mr. Dawson's thought to the attention of anthropologists and sociologists, as well as to historians of culture. It is the reviewer's conviction that Mr. Mulloy has succeeded admirably well. For he presents not only Mr. Dawson's little-known but superb analysis of the nature of sociology in its relation to the social sciences, but also the latter's appreciation of the material elements of cultural development—factors sometimes overlooked by those preoccupied with Dawson's analysis of religion in its relation to culture.

The book is divided into two main sections, the first called by the editor: "Toward a Sociology of History." Here we have representative essays on the nature of sociology, culture and progress, and the role played by religion in the formation of culture.

The second section, "Conceptions of World History," contains not only Mr. Dawson's essays on the relation of Christianity and history, but examination of the philosophical presuppositions of Gibbon, Marx, Wells, Spengler, and Toynbee. The concluding portion is an essay, "Continuity and Development in Christopher Dawson's Thought," contributed by Mr. Mulloy himself.

It is inevitable that an anthology of this kind would provoke varied opinions as to the wisdom of the selections made. In his analysis of Dawson's writings of the past thirty-five years, the editor does seem to emphasize Dawson's earlier works. No use seems to be made of Dawson's valuable Gifford Lectures of 1947-48, and 1949 on religion and culture, although the editor considers a knowledge of the first series indispensable for an understanding of Dawson's conception of the dynamics of culture. It is quite possible that he considers the subject adequately represented in his use of the essays from *Enquiries* and the author's contribution to the Oxford Conference Books symposium.

It is also difficult to see why the editor should consider the relatively modest efforts of Northrop equivalent to works of Spengler, Dawson and Toynbee.

Such relatively minor criticisms cannot obscure the fact that Mr. Mulloy has rendered a great service in presenting a splendid representative portion of the work of one of the greatest Catholic scholars of our time. The book can be warmly recommended.

ROBERT PAUL MOHAN, S.S.

REFLECTIONS ON THE PASSION. By Charles Hugo Doyle. Milwaukee: Bruce, 1956. Pp. 93. $1.85.

Father Doyle is well known because of his previous publications, especially *Cana is Forever, Sins of Parents,* and *What to say to the Penitent.* The present modest volume is a series of brief meditations, centering about the Passion, for each day of Lent. It is intended for the use of priests, religious and the laity. Each meditation is based on some particular incident of Our Lord's suffering or death, inculcates a definite lesson and terminates with a practical application.

So much has been written about the Passion that one cannot expect much originality in content in a work of this kind. But, at any rate, Father Doyle has succeeded in presenting the oft-repeated truths, that have inspired so many to a deeper love of the Crucified, in a manner that is distinctive and forceful. Thus, in discussing the vicious opposition of Caiphas to the gentle Christ, the author comments: "Our Holy Mother the Church teaches us through the Holy Scripture and the living word of her priests that when we begin to love the world we begin to dislike religion. When we begin to worship money we cease to worship God as we should, with our whole heart, our whole mind, our whole soul, and all our strength. When we begin to love houses of pleasure we begin to dislike the house of prayer. When we seek godless, irreligious friends and companions, we soon find good people dull and boring. The testimony is evident and copious but we often close our minds to its force and, like Caiphas, we preclude the evidence in favor of prayerful, upright moral lives and gradually banish Christ from our lives, homes and actions" (p. 67).

We can recommend this book as an excellent text for meditation during the holy season of Lent.

FRANCIS J. CONNELL, C.SS.R.

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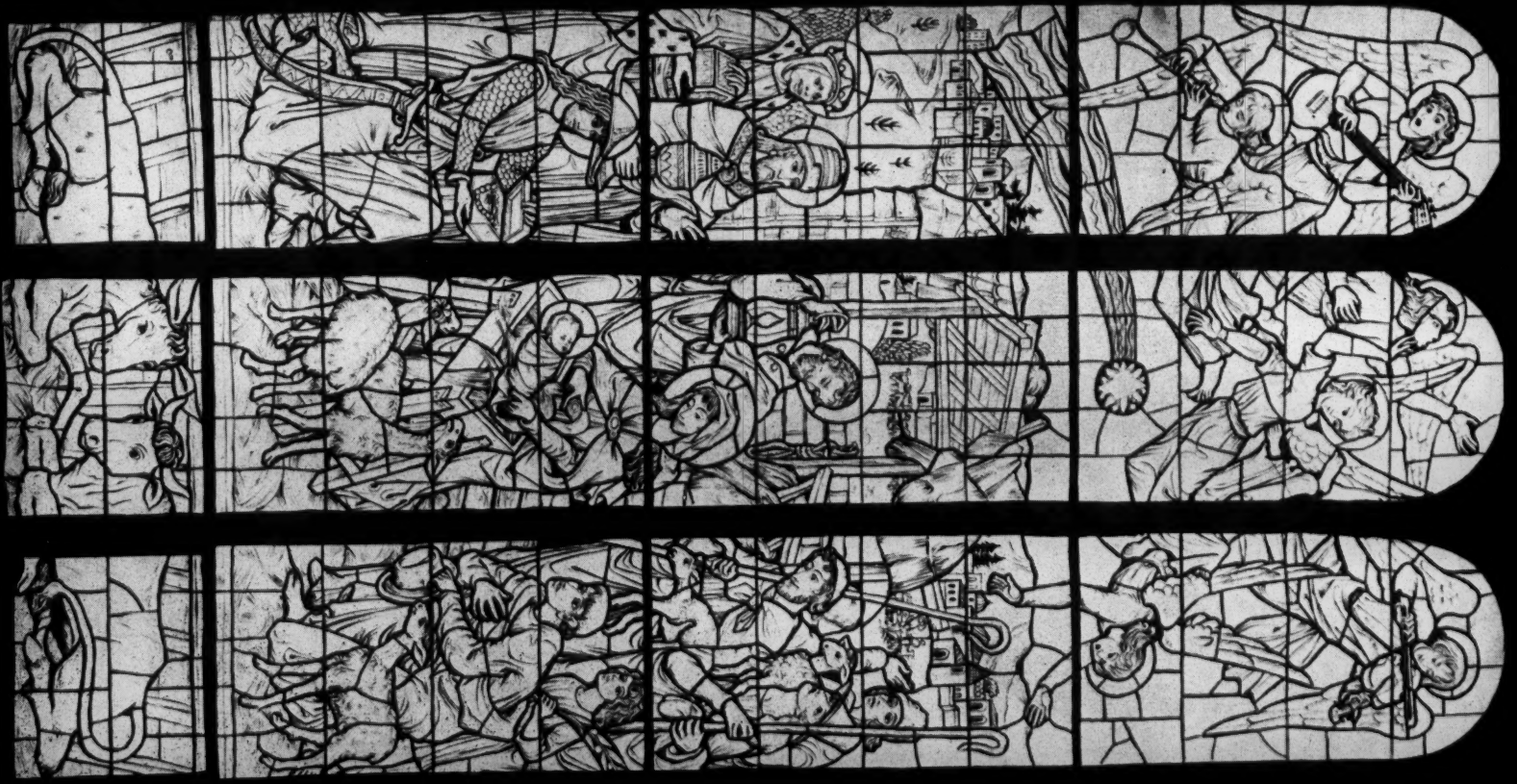

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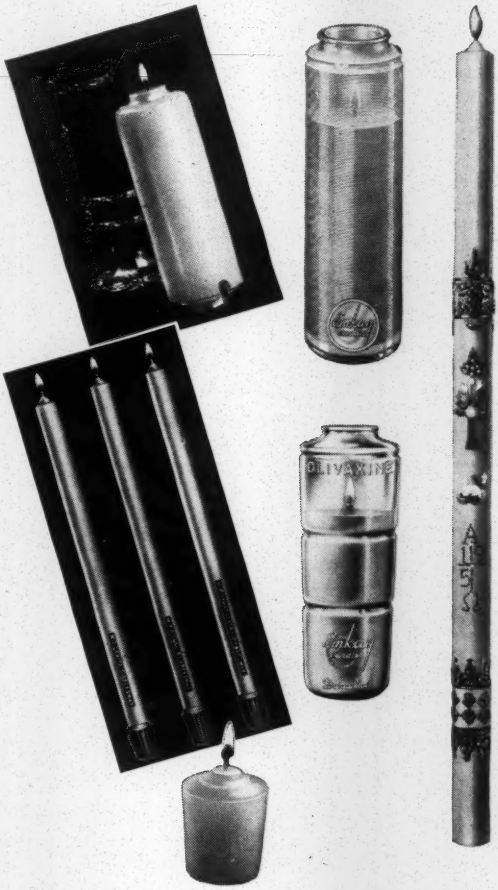

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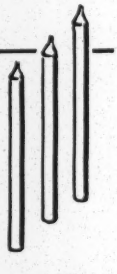

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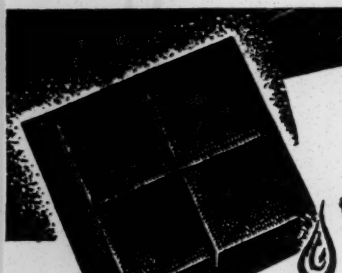

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